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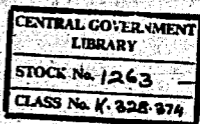
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COLONY AND PROTECTORATE OF KENYA

# LEGISLATIVE COUNCIL DEBATES

## OFFICIAL REPORT

SECOND SERIES

VOLUME XXIII

1945-46

Fourth Session: 6th November, 1945, to 11th January, 1946

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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, ACTING (HON. J. F. G. TROUGHTON, M.B.E.), (3)  
 CHIEF NATIVE COMMISSIONER (HON. W. S. MARCHANT, C.M.G., O.B.E.)  
 DIRECTOR OF MEDICAL SERVICES, ACTING (DR. THE HON. F. R. LOCKHART), (4)  
 DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT, C.M.G.).  
 DIRECTOR OF EDUCATION, ACTING (HON. C. E. DONOVAN), (5)  
 GENERAL MANAGER, K.U.R. & H. (HON. SIR R. E. ROBINS, C.M.G., O.B.E.).  
 DIRECTOR OF PUBLIC WORKS (HON. S. R. BOYD), (6)  
 COMMISSIONER OF CUSTOMS (HON. A. W. NORTHEROP).  
 COMMISSIONER FOR LOCAL GOVERNMENT AND LANDS (HON. C. E. MORTIMER, C.B.E.), (7)

## Nominated Official Members:

HON. T. A. BROWN (Solicitor General).  
 MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G. (Member for Agriculture, Animal Husbandry and Natural Resources), (8)  
 HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services), (9)  
 HON. J. G. HAMILTON ROSS (Provincial Commissioner, Rift Valley), (10)  
 HON. MBARAK ALI HINAWY, O.B.E. (Specially appointed to represent Interests of Arab Community), (11)  
 HON. J. C. MUNDY (Commissioner of Inland Revenue), (12)  
 HON. E. R. E. SURRIDGE (Deputy Chief Secretary), (13)  
 HON. C. TOMKINSON (Provincial Commissioner, Central Province).  
 HON. H. C. WILLBOURN, M.C. (Postmaster General).

## European Elected Members:

HON. W. A. C. BOWSER, Usain Gishu.  
 HON. S. V. COOKE, Coast.  
 HON. F. J. COULDREY, D.S.C., Nyanza.  
 MAJOR THE HON. F. H. DE V. JOYCE, M.C., Ukamba.  
 MAJOR THE HON. A. G. KEYSER, Trans Nzola.  
 HON. W. G. D. H. NICOL, Mombasa.  
 HON. W. F. O. TRENCH, Rift Valley.  
 HON. B. A. VASEY, C.M.G., Nairobi North (14)  
 HON. SIR ALFRED VINCENT, Nairobi South, (15)  
 HON. MRS. O. F. WATKINS, Kiambu.  
 HON. E. H. WAINITT, Aberdare.

# LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

## Indian Elected Members:

HON. SHAMSUD-DEEN (Central).  
 HON. S. T. THAKORE (Central).  
 HON. A. B. PATEL (Eastern).  
 DR. THE HON. M. A. RANA, M.B.E. (Eastern), (16)  
 HON. A. PRITAM (Western).

## Arab Elected Member:

HON. SHERIFF ABDULLA SALIM

## Nominated Unofficial Members:

### Representing the Interests of the African Community—

VEN. ARCHDEACON THE HON. L. J. BEECHER, (17)  
 HON. ELIJAH MATHU.

### Acting Clerk to Council:

Mr. K. W. Simmonds

### Reporter:

Mr. A. H. Edwards

- (1) Resumed Presidency of Council on 26th November, 1945, after absence from Colony on duty; proceeded on sick leave on 14th December, 1945.
- (2) Acting Governor *vice* Sir P. E. Mitchell.
- (2) and (13) Mr. Surridge, Acting Chief Secretary, *vice* Mr. Rennie; Mr. K. G. Lindsay, Acting Deputy Chief Secretary, *vice* Mr. Surridge.
- (3) and (12) Mr. Mundy, Acting Financial Secretary on departure of Mr. Troughton on leave on 15th December, 1945; Mr. V. H. Merttens sworn in on 20th December, 1945, *vice* Mr. Mundy.
- (4) Dr. N. M. MacLennan sworn in on 20th December, 1945, as Director of Medical Services, *vice* Dr. Lockhart, Acting Director of Medical Services.
- (5) Mr. C. E. Donovan, *vice* Mr. R. S. Foster, O.B.E., retired.
- (6) Appointed to substantive post of Director of Public Works.
- (7) Mr. G. J. Robbins sworn in on 8th January, 1946, as Commissioner for Lands, Mines and Surveys consequent on appointment of Mr. Mortimer as Member for Health and Local Government; Mr. Mortimer sworn in on 8th January, 1946.
- (8) Resigned seat as Member for Nairobi North on appointment as Member for Agriculture, Animal Husbandry and Natural Resources, and sworn in on 6th November, 1945.
- (9) Mr. W. G. Emerson sworn in on 26th November, 1945, as Acting Director of Veterinary Services, *vice* Mr. Daubney; absent on duty.
- (10) Mr. K. L. Hunter, O.B.E., sworn in on 8th January, 1945, *vice* Mr. Hamilton Ross.
- (11) Received O.B.E. in New Year's Honours List, 1946.
- (14) Returned as Member for Nairobi North on 5th October, 1945, *vice* Major Cavendish-Bentinck.
- (15) Created Knight Bachelor, New Year's Honours List, 1946.
- (16) Returned as a Member for Eastern Area on 23rd September, 1945.
- (17) Mr. W. Odeds appointed temporarily *vice* Archdeacon L. J. Beecher, absent on leave.

# ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

1945—

8th November—  
Dr. the Hon. M. A. Rana, M.B.E.

13th November—  
Hon. Solicitor General.  
Hon. Mbarak Ali Hinawy.  
Hon. Arab Elected Member.

14th November—  
Hon. Solicitor General.  
Hon. Mbarak Ali Hinawy.  
Hon. Arab Elected Member.

15th November—  
Hon. Solicitor General.  
Hon. Mbarak Ali Hinawy.  
Hon. Arab Elected Member.

16th November—  
Hon. Solicitor General.  
Hon. Mbarak Ali Hinawy.  
Dr. the Hon. M. A. Rana, M.B.E.  
Hon. Arab Elected Member.

26th November—  
Hon. Solicitor General.  
Hon. Member for Ukamba.

27th November—  
Hon. Solicitor General.

28th November—  
Hon. Solicitor General.

29th November—  
Hon. Commissioner of Customs.  
Hon. Solicitor General.

30th November—  
Hon. Solicitor General.  
Hon. Arab Elected Member.

20th December—  
Hon. Commissioner of Customs.  
Hon. Solicitor General.

Hon. Provincial Commissioner, Rift Valley.  
Hon. Provincial Commissioner, Central Province.  
Hon. Mbarak Ali Hinawy.  
Hon. Member for Aberdare.  
Dr. the Hon. M. A. Rana, M.B.E.  
Hon. Arab Elected Member.

1946—

8th January—  
Hon. Solicitor General.  
Hon. Member for Agriculture, Animal Husbandry and Natural Resources.  
Hon. Arab Elected Member.

9th January—  
Hon. Solicitor General.  
Hon. Acting Deputy Chief Secretary.  
Hon. Arab Elected Member.

10th January—  
Hon. Arab Elected Member.

11th January—  
Hon. Arab Elected Member.



## COLONY AND PROTECTORATE OF KENYA

### LEGISLATIVE COUNCIL DEBATES

#### FOURTH SESSION, 1945

**Tuesday, 6th November, 1945**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 6th November, 1945. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

The Proclamation summoning the Council was read by the Clerk.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to Hon. E. R. E. Surridge, Acting Chief Secretary; Major the Hon. F. W. Cavendish-Bentink, C.M.G., Member for Agriculture; Animal Husbandry, and Natural Resources; C. E. Donovan, Esq., Acting Director of Education; E. A. Vasey, Esq., C.M.G., Nairobi North; and Dr. M. A. Rana, M.B.E., Eastern Area.

#### COMMUNICATION FROM THE CHAIR

His Excellency delivered the following Communication from the Chair:—  
Honourable Members:

I begin my address this morning by reading a message from His Excellency the Governor who, as all members are aware, is now on a visit to the United Kingdom:—

"I owe an apology to Honourable Members for being absent from the Colony for the opening of the Budget Session, and, it may be, for a considerable part of the proceedings of Council. But, in deciding upon the date of a visit for consultation with the Secretary of State, I felt that time was the most important factor, for many very urgent matters press upon us, and that I should place myself at his disposal earlier rather than later, and when I came to examine the effect of this decision upon the important business before Council, and upon many other things which depend upon the date upon which the Budget

Session is held, I could see no alternative to arranging for the Session to proceed in my absence, much as I should have wished to be present.

I have been influenced to some extent—for this is primarily the Budget Session—by the consideration that this Session must of necessity be little more than a continuation of the series of war Budgets, for although active hostilities have mercifully come to an end, the state of war continues, war conditions and war costs remain. I realize that some Honourable Members may think the time has come for some substantial relief from the war-time level of taxation, and I am happy to be able to say in one respect, one important respect, it is considered possible to grant relief: I refer to excess profits tax, which it is proposed to discontinue as from the 31st December, 1945. (Applause.) But I must add that there can be no other material relief from taxation at present, and that it is the earnest hope of the Government that the relief which has been conceded will be used towards the rehabilitation of businesses and industries and making them more efficient. (Hear, hear.) Honourable members are aware that His Majesty's Government in the United Kingdom is bearing the greater part of the cost of the troops raised in the Colony and of many other war activities, and that we are looking to the funds provided under the Colonial Development and Welfare Act for important contributions to our post-war development. Even when allowance is made for tax relief recently announced by the Chancellor, the people of the United Kingdom are making unprecedented sacrifices, and in my judgment and that of my advisers it would be out of place at such a time and in such circumstances if relief from other taxes were granted in this Colony, more

[H.E. the Acting Governor] particularly since the revenue from those taxes is in any case urgently needed and since it has not been possible to carry out detailed fiscal investigations into our present revenue position and immediate future needs as regards fiscal changes, because it has not been possible to find the staff to make those investigations.

The collapse of Japan was certainly unexpected, but that in itself has little bearing on this matter. Ever since I arrived in the Colony I have been trying through official and personal channels to find appropriately qualified men to undertake the investigations which are urgently needed. What is required is first in collaboration with the other East African territories) an expert to make a detailed fiscal inquiry into the whole of our revenue and taxation, and secondly an economic and commercial adviser for this Government, to whom we could entrust further detailed investigations of economic, commercial and industrial questions urgently needing to be undertaken. Not until we have been able to complete these investigations shall we be in a position to come to Council with a plan of taxation for the first post-war phase; a plan which it will be necessary in large measure to co-ordinate and agree with our neighbours, since we must maintain the common customs and excise tariff and at least a broad general conformity of practice in respect of income tax.

I take this opportunity to add that I have thrown a wide net in the hopes of finding a consulting engineer for the Development and Reconstruction Authority, for without him we are seriously hampered in organizing the works that we have to undertake. At the date of dictating these words we have not succeeded in obtaining any one for any of these posts, although we have made it clear that we would pay whatever salary or fee might be appropriate in each case. But we have at last got the length that we have been able to approach certain gentlemen in whom, I believe, if we can secure their services, the country, and, in the case of the fiscal investigation, East Africa as a whole, can have complete confidence. I hope that my honourable friend the Member for Development and Reconstruction, in opening this Session as Acting Gover-

nor, will be able to add a postscript to what I have written above, telling you that we have at last been able to make these appointments.

I think it may be useful to touch briefly on one or two other matters which members will wish to hear from me. First of all, as to war controls and legislation; and hear I must again emphasize that although hostilities have ceased, the state of war and many of its most complex and pressing problems, including especially demobilization, continue. These special war measures and powers fall broadly into certain groups. First security, including powers of arrest and detention, censorship, various forms of lighting restrictions, the declaration of prohibited areas, and matters of that kind. This group has, I am glad to say, been almost entirely withdrawn, and we are nearly back to normal.

Secondly, import, export and currency control, including their closely allied subjects, supply and production. In these matters we are in fact an agency of the Commonwealth Governments, and particularly of His Majesty's Government in the United Kingdom, and it is inevitable that relaxation or removal of controls should go step by step with parallel action in the United Kingdom and with the precise directions in each case of His Majesty's Government in the United Kingdom. But I think it useful to remind honourable members that the stability of prices of our primary products, their ready cash sale, and ships to take them away, depend at the present time to a very large extent on these controls in one form or another. I am one of those who believe that it is imperative in the public interest that the prices paid to the primary producer in future should be under some form of public control, to ensure that they are not brought back by the depressing effect of excessive competition to the lamentable levels at which they stood for the greater part of the time between the two wars. (Hear, hear.)

This does not mean that controls of this kind must necessarily take the form of autocratic, officially operated management of other people's business. We have examples in many of the Produce Boards functioning already in this country of a method which is essentially

[H.E. the Acting Governor] more democratic and based on the organized consent and support of producers themselves. I have no delusions about the difficulties of bringing about stability in primary produce prices and protection from excessive competition, but I repeat what I have said before, that if it cannot be done, then it is idle to talk of colonial wealth and development (hear, hear), for unless the primary wealth which is to be their foundation is produced here in the Colony in adequate quantities and for an adequate reward in currency, no amount of good will and benevolent writing and talking will have the slightest effect. (Hear, hear.)

The third group of special war regulations, and one which is felt by the public at large probably more than any other, and which I would certainly be only too glad to see the last of at the earliest possible moment, is the Man Power Regulations. But the fact has to be faced that, if these regulations were cancelled to-morrow, the Commander-in-Chief would lose the services of a large part of the 2,000 civilian employees without whose services demobilization of the troops would be brought to a standstill, with all the immeasurably serious consequences which would ensue from that; and in other important respects there would be a most serious interference with essential services. I can well understand how irksome the man power regulations are to many who have borne the heat and burden of the day for so long; how many tired people there are, and how many people with domestic or personal calls on their attention which they feel they ought to honour at once. I know these things only too well, and I can assure you that, apart from the Colony's Press, my postbag keeps me very well informed about them (laughter), but I cannot now promise anything more than that it will be the earnest endeavour of the Government of the Colony to get rid of these restrictions upon the liberty of the subject as soon as it is practicable to do so. Meantime, I can only ask for such willing endurance for a while longer—I hope it may only be a little longer—as has been so ungrudgingly given during the dangerous years which are now happily behind us.

I take this opportunity of telling honourable members that as far as it is possible to judge, arrangements for demobilization and reabsorption are working smoothly. The full-scale strain will not be felt until next January; but there are good reasons for believing that the preparations which were made were well and wisely made, and that the process will be carried through smoothly and without avoidable delay or hardship.

I think it appropriate that I should utter one word of warning about training in skilled trades, for there seems to be an impression abroad that it is both practicable and indeed quite easy to take partially trained men out of the Army and, by means of intensive training, to convert them in a very short time into first-class artisans suitable for civilian employment. Indeed, it seems even to be thought that the Army has discovered some revolutionary short-cut to technical training, by means of which practically illiterate men can be turned into first-class craftsmen. I know of no justification for any such belief; I wish I did. There will, of course, be some who, with such help as we can give, will be able to extend and complete their training or adapt the skill which they have been taught in the Army to civil uses, and qualify as fully trained skilled craftsmen, but they will be very few proportionate to the mass, and nothing but disillusionment, disappointment and perhaps unrest will result if these facts are not realized. Whatever we can do we shall do as vigorously and zealously as lies in our power. I do not say that we shall achieve all that we might achieve, for being human we shall no doubt fall short of the possible; we shall at any rate do our best; but that best will necessarily be subject to the narrow limitations which I have endeavoured to indicate.

There is only one other thing that I feel I should record, and that is that it is of the greatest importance that we should tackle the economic and social problems of the Colony in a comprehensive way, with a view to building up a prosperous country for all its inhabitants. This we can only hope to do by the creation of primary wealth, and of services, for example in connexion with tourists, for which others are pre-

(H.E. the Acting Governor)

pared to pay, so that we may obtain the resources which will be necessary if effect is to be given to all those things of which such high hopes are entertained to-day. Social services, hospitals, clinics, welfare workers and many other things of that kind are a consequence and not a cause of primary production, and if we cannot produce the wealth we cannot have its consequences. My honourable friend the Financial Secretary has, as it is, an unenviable task in finding the money for the innumerable demands upon the public purse, and he knows as well as I do that in many respects, for example education, we have barely begun to scratch the surface of the problem. We have in the Carter Commission and the Orders in Council based upon it a settled agrarian policy for the country; we have some hopes of industrial development which should broaden our economic foundation, and we may, I trust, also hope for mineral development; we have an immensely valuable asset in our glorious scenery and the endless variety and interest of the wild life of the country if we can make it accessible to travellers.

Our task is, with mutual good will and confidence, to build up from these economic bases or possibilities the structure of prosperity which we mean when we speak of a higher standard of living. You cannot have a higher standard of living on a lower yield from the soil; you cannot get more wealth from less fertility; you cannot get more wages for less work. I fear these are platitudes. But I fear also that it is necessary to repeat them and repeat them and repeat them again, for it seems to me that there are at times forgotten. I know that they are fully present in the minds of honourable members, and if I record them to be read from the Chair of this Council it is not from any doubt of that, but in order that they may receive the publicity which this Council gives, and may afford to honourable members the opportunity, in the course of the proceedings of the Council, of themselves underlining much of what I have said, as I have no doubt they will do.

I must apologize for the length of what I have asked my honourable friend the Acting Governor to communicate to

you on my behalf, but I hope that what I have said will serve to give you a general picture of what I may call the frame of mind in which I go to London to discuss many urgent and important problems with the Secretary of State. I hope that I may be back in time to give you, before you disperse from this Session, some account of the outcome of those discussions.

That concludes the Governor's message. I may add that on present information I hope that His Excellency will be back in Kenya within two weeks.

It was His Excellency's intention, had he been here to-day, to make the Communication from the Chair less a review of the events and work of the past year than a statement of the Government's intentions and policy as regards next year. Honourable members will appreciate my difficulties in trying to adopt a somewhat similar plan, but I intend to follow it to the extent of dealing only in general terms with certain aspects of the work of the past year and of indicating some of the directions along which we hope to progress in 1946.

Since our last budget session, the tide of war, rolling with ever-increasing momentum and remorseless might, has overwhelmed Germany and Japan, and civil victory came in the end with unexpected suddenness. Looking back over the past six years we in Kenya have good reason to be proud of the part that we played in the stupendous struggle, but our pride should be mingled with realization of the far greater sacrifices made and hardships suffered by other countries, and with thankfulness that the full horrors of war were not let loose upon this country.

The past few months have seen important changes in the governmental set-up in Kenya. Sessional Paper No. 3 of 1945 is still fresh in all our minds, and the new machinery which was inaugurated with effect from the first of August this year is now being run and is functioning smoothly. The necessary preparations are at present being made for the reorganization of local government machinery which was foreshadowed in paragraph 26 of that Sessional Paper, and about which a separate Sessional Paper will shortly be published. I trust that it will be possible to start the new arrangements at the

(H.E. the Acting Governor)

beginning of 1946. I may add that it is proposed that in the new set-up, in view of the close connexion between health services and local government, the Medical Department shall be brought within the sphere of the new Member for Health and Local Government.

The proposals for closer settlement in the Highlands which are referred to in paragraph 22 of Sessional Paper No. 3, and also the questions of African, Arab and Asian land settlement, are at present under the consideration of the Secretary of State. I hope that his decision will be conveyed to me soon. Honourable members will see that the provision for European settlement that appears in the Draft Estimates on page 197 is of a token character pending the Secretary of State's decision; if and when approval is given, an immediate start will be made on the implementation of the very full and carefully prepared plans. Honourable members will also observe that provision is made in the Draft Estimates for substantial expenditure on African settlement, and for expenditure of a preliminary nature on Asian and Arab settlement. It is proposed to publish a Sessional Paper on the subject of settlement in the near future which will give full information about the Government's proposals in this connexion.

At this stage I would add, as regards African settlement, that the Government fully realize the magnitude and urgency of the problems presented by present conditions in the native areas, and also that very large sums of money will be required for African settlement and re-settlement and for the development and reconditioning of native lands. The provision which has been inserted for these purposes under various heads in the Draft Estimates is a pledge of the Government's firm intention to tackle these problems vigorously. (Applause.)

When in my budget address last year I said that co-ordinated planning would be required in 1945, I had in mind the activities of the Planning Committee, the appointment of which Sir Henry Moore approved shortly before he left for Ceylon. Honourable members are aware that the Planning Committee issued an interim report in April last, but for

various reasons which I need not enumerate here the deliberations of the Committee have not made such rapid progress as had been hoped. A number of sub-committees was appointed to deal with various aspects of development; several of these have completed their deliberations, and the remainder will, I hope, submit their reports to the main Committee shortly. Those whose deliberations have been completed include the sub-committees dealing with water supplies, communications, industrial development, social welfare, and forestry. These reports have been distributed to members of the main Committee for examination, and it is hoped that when all the sub-committees' reports have been received, the main Committee will be able to produce its final report with commendable celerity. It is important that this final report should be produced as soon as possible, since without it it is difficult for departments to plan with certainty and to estimate with accuracy their requirements over the next few years; it is also important for the Development and Reconstruction Authority to know what funds will be placed at its disposal for the various lines of development.

I may add that owing to the pre-occupation of the Acting Financial Secretary with preparations for the budget—which, especially in the first year of its new form, presents more difficulties than ever—and owing to his impending departure on a long-deferred and well-earned leave some time in December, a joint meeting of the Planning Committee and the Development and Reconstruction Authority recommended in September last that I should be appointed to the chairmanship of the Planning Committee. The Governor accepted this recommendation. It is hoped that when the Economic and Commercial Adviser to whom the Governor refers in his message is appointed, he will take over much of the work of the Planning Committee that would otherwise fall upon the Chairman.

As regards the Development and Reconstruction Authority itself, honourable members have perhaps read the brief progress reports that it has issued about its activities up to date. Since its inception it has been working chiefly on preparations for the inauguration of the

(I.E. the Acting Governor) schemes already approved under the Colonial Development and Welfare Act. Shortage of staff and plant has proved a handicap to progress, but large indents have been placed for equipment, and the widespread search for staff is beginning to show results. I trust that the earlier months of 1946 will see the Authority making really good progress. Meanwhile, it awaits with considerable eagerness the final report of the Planning Committee, and hopes that through its Chairman it will be able to exert sufficient pressure on the Chairman of the Planning Committee to ensure that there will be no avoidable delay in the production of the Planning Committee's report.

Turning to agricultural production, I wish once more to pay tribute to the work done for native and non-native growers by the staff of the Agricultural Department throughout the Colony and the District Production Committees and Sub-committees in the non-native areas. As a result of their efforts, production has been maintained at a satisfactory level—a matter to which I will return later.

A recent decision of interest made by the Agricultural Production and Settlement Board is that no further breaking orders should be issued after the first of October, 1945. This is brought to an end the campaign for getting under the plough very greatly increased acreages of cereal crops. The emphasis must now be placed on restoring to grass those acreages which have been under cereals for several years, and thus preventing as far as possible any serious deterioration in soil fertility of those arable lands.

The Agricultural Production and Settlement Board was reconstituted early in the year in order that representation might be given to all organized agricultural industries and also to districts. The membership of the Board was increased to 30 and members were nominated either by the bodies concerned with particular agricultural industries or by District Production Committees. The new Board has functioned well, but its present form will again require some modification in order to conform with the recent reorganization of the group of departmental activities connected with agriculture, veterinary services, forests and game.

The Committee foreshadowed in Sessional Paper No. 3 of 1945 was appointed to advise the Member for Agriculture as to the reorganization necessary at the centre and in the provinces and districts, and held its first meeting recently. It was not possible for the Committee to meet earlier, as the Member was fully occupied in preparing for the Committee's consideration his proposals for the future organization. I do not propose to comment on these matters about which the Committee has not yet reached a final decision, but I may mention that at its first meeting the Committee agreed to recommend that there should be a Board of Agriculture and a series of either Boards or Committees to deal with water resources, forests, marketing and game. The Committee also examined the organization proposed for settlement, both native and non-native, and now awaits the decision of the Secretary of State on the settlement proposals which are at present under his consideration.

There is one forestry matter which I should like to mention. In order to secure and preserve all land that should properly be included in the Colony's forest estate, the Government proposes bringing under detailed review the forests at present declared as "Forest Areas" under section 4 of the Forest Ordinance, No. XXVI of 1941, and thereafter to proclaim them, after modification of their boundaries if deemed necessary, as "Demarcated Forests" under section 5. This latter section provides the machinery for the fuller safeguarding of the forest estate, namely, the declaration of any forest area or any part thereof to be a demarcated forest. "Demarcation" under this section provides a far greater degree of security than declaration under section 4, since no area which has been "demarcated" can be withdrawn from demarcation except with the approval of the Legislative Council. None of our forests has as yet been "demarcated", with the result that the Conservator of Forests is incessantly bombarded with requests for excisions, for this purpose or that, from "forest areas" declared under section 4. The time has now come for the appointment of a Forest Boundary Commission to review forest boundaries, take evidence locally, and make recommendations to the Government for statutory demarcation.

(I.E. the Acting Governor) Early decision in respect of a number of specific areas is imperative from the forestry and water conservation aspects. A further detailed review is also necessary to decide what other areas, not already proclaimed, should be proclaimed as "Forest Areas" or "Demarcated Areas" as the case may be. The terms of reference and personnel of the Commission will be announced shortly.

In his message, the Governor referred to the immensely valuable asset that we possess in our glorious scenery and the endless variety and interest of the wild life of the country if we can make it accessible to travellers. Honourable members are no doubt aware that the National Parks Trustees have been appointed and have held their first meeting, at which the hon. Member for Nairobi South was elected Chairman. An *ad hoc* committee of the Trustees which was appointed to frame the lines of general policy has had several meetings, and I understand that its report will be submitted to a full meeting of the Trustees this month. The question of the provision of the necessary finance is receiving the attention of the Acting Financial Secretary. The work of the Trustees will be of the greatest value to the country, and I am sure that the good wishes of this Council accompany them in their task.

Honourable Members are no doubt aware that the Pyrethrum Board has been paying attention to the prospects of the pyrethrum industry when the present contract with the Ministry of Supply comes to an end. The hon. Member for Nyanza and Mr. R. E. Norton recently visited the United States with the object of making detailed inquiries, and his report, which is a mine of valuable information, has been in the hands of the Pyrethrum Board for some time. Honourable Members will be glad to learn that the prospects of obtaining satisfactory markets for this valuable product appear to be good.

At this stage I wish to say a few words about the strengthening of the Chief Native Commissioner's office, which was foreshadowed by the Acting Chief Secretary in this Council when he moved the adoption of the proposals in Sessional Paper No. 3 last July. Mr. A.

Phillips, Crown Counsel, and formerly a member of the Kenya Administrative Service, has been appointed Judicial Adviser, and will advise on the administration of justice in, and on the development of, native courts, a subject on which he has recently written a most valuable and comprehensive report. It is also intended to appoint as Adviser on the Administration of Native Lands Mr. H. E. Lambert, Senior District Commissioner, who, as Honourable Members are aware, has for some time been engaged in an investigation into land tenure customs in the Kikuyu Native Land Unit. A further member of the Chief Native Commissioner's team will be Dr. C. R. Phillip, Senior Medical Officer, who has recently undertaken a course in social service at the Witwatersrand University, Johannesburg, and will be appointed as Adviser on Social Welfare. Moreover, in order that we shall have the benefit of the advice of officers who have had experience in dealing with land tenure and sociological problems elsewhere, it has been arranged that Dr. Schapers, an eminent sociologist in South Africa, will visit the Colony at the end of this year to advise on land tenure problems, and that at least one other sociologist will come to Kenya next year under the aegis of the Colonial Research Committee to help us in our investigation of our most urgent problems of this nature.

All this means, *inter alia*, that the Government is building up the necessary machinery for the supervision of the administration of land in native areas, and that it intends to ensure beneficial and proper utilization of the land. The basic conception will be the traditional one, that the community has an ultimate concern in the use of the land, and it is proposed to develop the indigenous control which exists in varying degree in different areas by means of the institution of land authorities based on tribal tradition. Through these authorities the control and use of the land will be directed. In addition to these local authorities full use will be made, on the advice of the Native Lands Trust Board, in whom the native lands are vested under the provisions of the Kenya (Native Areas) Order in Council, 1939, of the wide powers provided under the Native Lands Trust Ordinance, 1938, for the administration of native lands.

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It is only by the adoption of a more enlightened outlook towards the proper use of the land and by improvement in farming methods that farming, both in native and non-native areas, can be established on a permanent and proper basis in Kenya, and it is the Government's policy and intention to bring about a widespread adoption of good farming practices, especially on land which is being made available for new settlement or for re-settlement. In many cases comprehensive measures of soil conservation will be necessary preliminary or concomitant, and the Department of Agriculture intends to accelerate and extend its activities in this direction next year in both the native and non-native areas, as more staff and equipment become available.

As regards the widespread adoption of good farming practices, I should like to invite attention to the following passage in the Government's honours statement in Sessional Paper No. 2 of 1945 regarding its responsibility for land administration in Native Land Units: "It (the Government) regards its responsibility for land administration as an overriding one to which indigenous systems of land tenure must conform. That responsibility implies that, as agent and trustee for the people in the various land units, the Government has an obligation to ensure that the land is used in a manner which will preserve its fertility. The Government considers that each Native Land Unit and, in certain cases, each division of a Native Land Unit, must be regarded as an estate, the property of the native community to which it is assigned. In most cases the native community is at present neither sufficiently organized nor sufficiently well-instructed to be either willing or able to maintain its estate in accordance with the principles of prudent agriculture in the widest sense. The Government, having in mind that willing collaboration is nearly always more effective than compulsion, regards it as one of its main tasks to assist and instruct each African community in the proper use of its land until it understands the vital importance of its responsibilities in this respect and is equipped to discharge them. The Government recognizes that the con-

ditions of occupation of land must include a condition, that the land is not destroyed and that in extreme cases compulsion may have to be used as a temporary expedient."

That is a Government pronouncement of Government policy, which must be regarded as a direction to all concerned with native land administration.

Before leaving the subject of the proper use of the land, I would mention that the Government has for some time been studying the question of the post-war marketing of native stock. It is a matter of the greatest importance that a properly organized system of live-stock marketing should be started before the present Live Stock Control is abolished. The Director of Veterinary Services has prepared a plan under which a Live Stock Marketing Board with wide powers would be established, and his proposals are being examined.

I would now say a few words about food production. Well-distributed rains in the main grain-producing areas resulted in very satisfactory maize and wheat crops which, after providing for all the needs of East Africa, including military requirements, and of the Seychelles, and for the maintenance of a reserve of 250,000 bags of cereals, enabled 275,000 bags of maize to be exported to South Africa, 110,000 bags of wheat to Southern Rhodesia, and 128,000 bags of maize to Mauritius, during the Cereals Pool year ending 30th September, 1945. On present estimates of production it is clear that the most difficult task in 1946 will be to meet East Africa's requirements of African staple foodstuffs without having to resort to importation. While Kenya is, and has been for the past year, self-supporting in maize and wheat, the Colony has undertaken responsibilities towards her neighbours particularly the large labour force engaged in essential production in Tanganyika. As far as can be foreseen at present, everything hangs on the success or failure of the short rains normally due about this time.

As regards Maize Control, with production and consumption dangerously close together when considered on an East African basis, the necessity to maintain strict control over the distribution of our main African food crop is plain, and there can be no thought of

(H.E. the Acting Governor) abandoning maize control in the near future. Equally, it is necessary to maintain coupon rationing of maize meal until times are easier, although this form of control is admittedly burdensome. As regards wheat and wheat flour, it may be possible to remove the coupon rationing of wheat products at a later date, but at present it is necessary to maintain a limitation on consumption. As regards sugar, the acute world shortage of this staple food obliges us to restrict domestic consumption to the minimum and to export to the maximum. For this reason no early end to the coupon rationing of sugar can be expected.

In dealing with the question of the abolition of controls which come within the purview of the Kenya Supply Board, the Government will be guided very largely by the advice of the Trade Advisory Committee, which has been asked to investigate this complicated and difficult subject. The Chairman of the Supply Board, who is also the Chairman of that Committee, is in the process of carrying out a detailed examination of the whole question with a view to discussion by the Committee at an early date. I am glad to be able to say that we have recently received advice from the Secretary of State to the effect that, except in the case of certain very limited classes of goods, we may now issue import licences much more freely for goods of sterling origin imported from the sterling area. (Hear, hear.) The position will thus revert to substantially what it was in the early days of the war before it became necessary to conserve productive capacity and shipping space with the object of enabling the maximum potential of the Empire to be devoted wholly to the war effort.

I now propose to say a few words about the Labour Department. Looking to post-war conditions we, in common with the rest of the world, may expect to have our share of labour problems and difficulties. It is therefore essential that our Labour Department should be reorganized and strengthened to enable it to tackle satisfactorily the various problems likely to confront it in the very near future. A Sessional Paper has been prepared, and will be published shortly, explaining the Government's proposals, which are reflected in the

Draft Estimates for 1946. In this connection I would mention that the Labour Advisory Board has for some time been giving consideration to the question of workmen's compensation and factory safety, and it is hoped that the necessary legislation will be drafted and laid before this Council early next year.

I am well aware that Honourable Members are interested in the future of the East African Trade and Information Office in London. Looking to the post-war world, and having regard to the necessity to ensure that this Colony and indeed all East African territories should be properly and adequately represented in London, we all appreciate the desirability of strengthening the staff of that office. I am glad to say that arrangements for the necessary re-organization are now being made and that Mr. R. E. Norton, who is well known to Honourable Members, has accepted the post of Commissioner and took up his new duties on the first of November. (Applause.) It is a matter for satisfaction that Kenya, as well as the other East African territories, will in this way continue to have the benefit of Mr. Norton's valuable services. (Hear, hear.)

Before passing on to the budget I should like to say a word about the Kenya and Uganda Railway Administration which can look back with pride and satisfaction on its remarkable achievements during the past six years. (Hear, hear.) The heavy pressure which has been so prominent a feature of the war has continued, and has been successfully met in spite of ageing equipment and staff difficulties. So far as the future is concerned, the immediate task is to provide transport facilities to complete demobilization. It will then be necessary for the Administration to concentrate on the rehabilitation of its assets, which have been subjected to an unprecedented strain during the war. The Railway Advisory Council and the Harbour Advisory Board are also being asked to consider a loan programme of more than one million pounds for improving and modernising the transport system, and to enable the Administration to play its part in absorbing demobilized Service men and to assist in maintaining a full employment policy.

As Honourable Members will observe, the Estimates are divided this year into



[H.E. the Acting Governor] namely, the ordinary budget of Revenue and Expenditure and Special Development and Reconstruction Development involving the creation of a Development and Reconstruction Fund. This arrangement was foreshadowed by the Acting Financial Secretary in his speech in this Council last July on Sessional Paper No. 3; the advantages of this procedure were explained by him on that occasion and further reference to them is made in the memorandum on the Draft Estimates. I do not propose, therefore, to say much more on the subject, on this occasion. I think that Honourable Members do appreciate that this is a very important new procedure which, among other advantages, will give increased flexibility to our budgeting and will ensure that approved development schemes shall be carried to completion without the risk of curtailment or suspension because of temporary financial difficulties. Honourable Members will also appreciate that we are breaking new ground by the adoption of this procedure; so far as I am aware, no Colony has prepared its estimates in this way before. Time for preparation has been short and I have no doubt that, as the result of experience gained this year, next year's version will be an improvement. It will be clear to Honourable Members from paragraph 222 of the memorandum on the Draft Estimates that it will not be possible, for the reasons there indicated, to build up the Fund to its full extent until the position in respect of certain of the items which will constitute the Fund is clear.

So far as the ordinary Estimates are concerned, they are fully explained in the memorandum enclosed in the printed copies. Recurrent expenditure shows an increase of £643,000 above the corresponding figure for 1945. This increase is very substantial and is regarded by the Government with anxiety. On the other hand, it has been necessary to reject many requests for additional staff and services of a highly desirable character simply because the necessary funds are not available. The policy of the Government, as stated in the memorandum, has been to make sufficient provision to keep a reasonably efficient system of administration in being while at the same time providing for a reasonable increase in productive and social services

and honouring our commitments in the way of pensions, debt charges, etcetera.

Under Recurrent expenditure two of the main increases will be found in the Education and Medical votes. The Education vote shows an increase of £90,000, of which £40,000 is in respect of African education and about £25,000 in respect of Indian education. The main increase will be found under grants-in-aid to African schools, partly due to the payment of war bonus to European supervisors, partly due to increased attendances. The increase in Indian education is attributable to the rapid growth in the Indian population of school age. The Acting Financial Secretary will no doubt discuss the Education estimates in detail when introducing the Budget, and all I would say now is that rapidly increasing expenditure on educational services is causing the Government—the most serious concern, sympathetic though it is towards the natural desire of the peoples of this country for a wide extension of educational facilities.

The increase in the Medical Department Vote of £60,000 is also very substantial. It is attributable partly to a considerable increase in the establishment of nursing sisters and an improvement in their terms of service, and partly to increased expenditure on drugs and stores generally, resulting from the greater use which is being made of our hospitals by the African population of the Colony. In addition, it is proposed to expand laboratory services to provide for a division for research on insect-borne diseases, which represent one of the major public health problems of the Colony.

Honourable Members will recall that last July the Hospital Fees Committee's Report was referred to a Select Committee of this Council. That Committee has submitted its report, which is being laid on the table of this Council this week. It is hoped that the legislation necessary to give effect to the proposals will be submitted to the Council during the present session.

I now turn to the Extraordinary expenditure, which shows a decrease of approximately £120,000 despite additional provision of £375,000 for two main items. I should like to refer to those two items briefly. In the first place, it is desirable that revenue should

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play a proper part in the financing of our development programme, and provision has accordingly been made for a payment of £250,000 from revenue to the Development and Reconstruction Fund. The Government hopes that it will be possible to make a contribution of at least this amount each year over the next ten years. Indeed, there is much to be said for an even larger contribution, but it was not possible to provide more without upsetting the balance of the budget. Honourable Members will see from the table on page 181 of the Draft Estimates that, with this contribution from revenue, in addition to the other sources of revenue therein indicated, we hope to be able to finance development and reconstruction expenditure, mostly of a capital nature, amounting to approximately 15 millions during the next ten years, that is, an average of about one and a half millions each year.

The other item to which I would refer is the provision under Head 43 of £225,000 for the demobilization, re-absorption and training of former Service men and women. This obligation, which is accepted on all sides of this Council, will make a heavy drain on our financial resources. The position in the other East African territories is similar, and the question of securing a contribution from Imperial funds has been taken up by the East African Governments and is at present the subject of correspondence with the Secretary of State. Finally has not been reached, and in the meantime our share of the expenditure has been included in the Estimates as a charge against the War-time Contingency Fund.

So far as Development and Reconstruction expenditure is concerned, I would invite Honourable Members' attention to the explanations given in the memorandum on the Draft Estimates, and leave further observations to the Acting Financial Secretary in the course of his budget speech.

There is a formidable list of legislation scheduled for consideration by this Council during the ensuing year. Among the more important measures that it is intended to introduce during the present session of this Council are the follow-

(a) A Bill to amend the Crown Lands Ordinance. The Principal Ordinance provides that the Commissioner of Lands shall, during the year 1945, value all lands in respect of which leases have been granted for a term of 999 years for the purpose of determining the rent which shall be payable in respect of such lands for the period 1st of January, 1946, to 31st of December, 1975. Under existing circumstances it is considered that such a valuation is impracticable. That being so, the Bill seeks to defer the valuation until the year 1950. In order to prevent any hardship resulting from such action there is provision in the measure which will enable any lessee who alleges that he will suffer damage by reason of the valuation being deferred, to have his case reviewed.

(b) A Bill which seeks to enable the families of persons killed by accidents to obtain damages against the wrongdoer. During the debate on the Bill for the Motor Vehicles Insurance (Third Party Risks) Ordinance, 1945, the Government undertook to introduce such legislation at an early date.

(c) A Bill to regularize the position regarding the marriage, divorce and law relating to succession of Hindus. Legislation for the purpose has, over a long period, been pressed for by the Hindu community in the Colony.

It is considered that the time has arrived when a complete review of our social legislation should take place. As a first step in this direction, His Excellency the Governor proposes to appoint a representative committee to formulate proposals for comprehensive legislation relating to children and young persons. It is also intended, as I mentioned earlier in this Address, to lay before Council in 1946 a Bill to provide for the payment of compensation to workmen for injuries by accident occasioned in the course of their employment, and a Bill to make provision for the supervision of factories.

The Government has already agreed to the introduction of legislation providing for contributory pensions for European and Asian members of the Kenya Civil Service, and it is proposed to introduce the necessary legislation for the consideration of this Council as early as possible in 1946.

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As Honourable Members are aware, a revision of all our legislation is long overdue, the last revision dating back to the first of January, 1924. It is hoped that it will be possible to put that work in hand during the ensuing year.

Before I reach the concluding portion of my address I should like to refer to two matters, one of which, perhaps, should have been mentioned earlier. During the latter part of the war, gold production was not accorded a high priority, since other types of production were more directly conducive to the winning of the war once the operation of Lend-Lease and Mutual Aid had removed the necessity of using up scarce foreign exchange resources for direct war needs. With the termination both of the war and of Lend-Lease, the situation has been radically transformed, and the Secretary of State has advised this Government that gold production in the Colonial Empire should now be increased wherever possible. The various local authorities concerned are being informed of this change of policy.

Honourable Members are no doubt aware that Mr. R. S. Foster, Director of Education, has been obliged to retire prematurely on account of ill-health. I should like to express my personal regret, a regret which I feel sure is shared by all Honourable Members, at Mr. Foster's departure. (Hear, hear.) Although his stay in Kenya was brief he did most valuable work here, and he will be hard to replace. Our sincere sympathy is with him in his illness and with him a speedy restoration to health.

In conclusion, I would say a few words of a general nature. The tasks that lie ahead of us in the immediate post-war years are numerous and in many cases complicated, onerous and difficult. Those of us who believe in the future of Kenya (and that includes all in this Council and most people outside it) must be prepared to work, and work hard, to ensure that the difficulties shall be overcome, the burden shall be sustained, the complications shall be removed, and the tasks shall be successfully accomplished. Let no one imagine that all this can be done without assistance, co-operation and even, at times, sacrifices of one kind or another, of greater or smaller extent, on the part

of individuals and communities. The greater the assistance, the more eager the co-operation, the more ready the willingness to make sacrifices when necessary, the more quickly and the more efficiently will the tasks be completed. We live in a world of change. Times and habits are changing; old ideas and old customs must not necessarily be treated with awe and regarded with reverence merely because they are sanctified by time or popular usage. If we are to make Kenya the country we want it to be we must review our ideas, our customs, our habits, and our values, test them against present-day conditions and requirements and also against our plans for a better Kenya, and thereafter have the courage, vision and honesty to discard or change, quickly or gradually as circumstances may require, any that do not reach the required standard, retaining only those that do. That applies to all communities and individuals. May I quote a slightly modified version of a little prayer that I found in a periodical recently, which seems to me to be appropriate for us in Kenya in present circumstances:—

"Give us courage to change the things that can and should be changed. Give us strength to accept with serenity the things that cannot be changed. And give us wisdom to distinguish one from the other." (Applause)

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

#### MINUTES

The minutes of the meeting of 27th July, 1945, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By Mr. SURUDESI:

Report on audit of K.U.R. & H. Accounts for 1944 with copy of Kenya-Uganda Transport dispatch No. 37 thereon; Labour Department annual report, 1944; Judicial Department annual report, 1944; report of Civil Service Commissioner (Mr. L. C. Hill); report on Native Tribunals (by Mr. A. Phillips Crown Counsel).

By THE ACTING FINANCIAL SECRETARY (MR. TROUGHTON):

Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946 and Draft schedule of loan expenditure; Financial Report and Statement for 1944; Schedule of Additional Expenditure No. 5 of 1944; Kenya Savings Bank deposits and withdrawals statement for 1944; select committee report on Sessional Paper No. 4 of 1945.

By THE ACTING DIRECTOR OF MEDICAL SERVICES (DR. LOCKHART):

Medical Department annual report, 1944.

By THE DIRECTOR OF AGRICULTURE (MR. BLUNT):

Agricultural Department annual report, 1944.

By THE ACTING DIRECTOR OF EDUCATION (MR. DONOVAN):

Education Department annual report, 1944.

By THE COMMISSIONER OF CUSTOMS (MR. NORTHROP):

Annual Trade Reports of Kenya and Uganda for 1943 and 1944.

By THE COMMISSIONER OF LOCAL GOVERNMENT AND LANDS (MR. MORTIMER):

Quarterly return of land grants, 1st July-30th September, 1945.

By THE SOLICITOR GENERAL (MR. BROWN):

Select committee report on Coffee (Marketing) Bill.

By THE COMMISSIONER OF INLAND REVENUE (MR. MUNDY):

The Income Tax (Non-residents' Allowances) Rules, 1945; and the Income Tax (Non-residents' Allowances) (Amendment) Rules, 1945.

By THE POSTMASTER GENERAL (MR. WILDBOURN):

Posts and Telegraphs Department annual report, 1944.

#### NOTICE OF MOTION

Mr. Troughton gave notice of the following motion: That the Select Committee Report on Sessional Paper No. 4 of 1945 be adopted.

#### ORAL ANSWERS TO QUESTIONS

No. 108.—TETANUS, INCIDENCE OF ARCHDEACON BEECHER (Native Interests):

Will the Hon. Director of Medical Services please indicate in respect of Europeans, Asians and Africans (a) the latest available figures of the deaths per annum from tetanus in Government hospitals, (b) the number of such deaths attributable to road accidents, and (c) whether anti-tetanic serum was in all cases administered as a routine measure on admission of casualties in road accidents?

DR. LOCKHART: (a) The deaths during 1944 from tetanus in Government hospitals were: Europeans, nil; Asians, nil; Africans, 47.

(b) As far as can be ascertained: none. (c) It is not possible to provide an answer to this question since road accidents are not differentiated in hospital returns from other forms of injury. Of the 47 persons who died, only one is recorded as having been admitted to hospital otherwise than as a fully-developed case of tetanus, and this case did not result from a road accident.

#### No. 111.—BUILDING PRIORITIES

ARCHDEACON BEECHER:

Will Government please state the order of priorities which, it is understood, has been assigned to various classes of building in this country? Why is it that it has been ruled that "Welfare Buildings" shall enjoy the lowest priority, with the result that the Secretary of the Building Control Committee has been unable in certain instances to set aside any cement or nails for the completion of certain greatly needed African schools?

MR. TROUGHTON: I will answer both parts of the question together. No rigid order of priorities has been assigned by the Government to various classes of buildings in this country. The Building Control Committee did, however, ask the Government for guidance regarding priorities, and the Government replied that it was disposed to consider that the following order of priority would be appropriate:—

(1) African houses in townships;

(2) Agricultural and industrial buildings;

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- (3) Water conservation works;  
 (4) Other housing and business premises;  
 (5) Communications;  
 (6) Welfare buildings.

The Government, however, went on to say that in actual practice adherence to a rigid order of this kind was, in its opinion, impracticable as the priority accorded to any particular work within a classification must vary.

The general question of priorities is being reconsidered by the Building Control Committee, which will be asked to try to ensure that the urgent requirements of schools will be met as far as supplies permit.

I may add that, apart from Government institutions and private and farm schools, eighteen permits for the construction of African school buildings have been approved by the Building Control Committee.

#### No. 113—RESERVED OCCUPATIONS MR. PRITAM (Western Area):

As the war with Germany and Japan has now ended, will Government please consider the advisability of revoking as early as possible the relevant portion of the Defence Regulations whereby employees of private firms were brought under "reserved occupations"?

ATTORNEY GENERAL (MR. FOSTER SUTTON): I would invite the hon. member's attention to the reference to the Man Power Regulations made in the message just delivered to Council on behalf of the Governor.

#### No. 114—MIGRATION OF EUROPEANS AND INDIANS

MR. PRITAM:

Will Government please state the number of Europeans and Indians who entered and left Kenya from the date of the Defence (Admission of Male Persons) Regulations, 1944, came into force up to 31st August, 1945?

MR. SURIDGE: The figures are as follows:—

(1) Europeans entering the Colony during period referred to:—	
Males	4,171
Females	3,258
Total	7,429

(2) Europeans leaving the Colony during period referred to:—	
Males	2,874
Females	2,647
Total	5,521

(3) Indians entering the Colony during period referred to:—	
Males	10,921
Females	5,925
Total	16,846

(4) Indians leaving the Colony during period referred to:—	
Males	8,245
Females	3,079
Total	11,324

#### No. 115—ITALIAN PRISONERS OF WAR MR. PRITAM:

Will Government please quote the authority under which Indians engaged in essential war work were denied the right of employing Italian prisoners of war whereas aliens, refugees and stateless persons (Europeans) were freely allowed to employ prisoners to assist in undertakings not connected with the war effort?

MR. SURIDGE: It has been the policy that prisoners of war released for employment should be under European supervision in order that they may have European working and living conditions; no objection has been raised to the release of prisoners of war to such Indian firms as employ European managers and European supervisory staff.

#### No. 116—CENTRAL INTERNMENT CAMP, KABETE

ARCHDEACON BEECHER:

(1) Will Government please state the numbers and categories of persons still accommodated in the Approved School buildings at Kabete?

(2) Why, in view of the very easy parole which appears to be enjoyed by these aliens, is it necessary that this building should still be occupied by them?

(3) How soon will it be possible for them to be repatriated or accommodated elsewhere in order that the building may be used as an Approved School?

MR. SURIDGE: (1) The numbers and categories of the persons accommodated at the Central Internment Camp, Kabete, as at 30th September, 1945, were:—

Evacuees	615
Internees	
Germans	39
Italians	4
Japanese	1
Somalis	1
	45
	660

(2) Approximately 300 of the evacuees accommodated in the camp are required to work in military units and the bulk of the remainder in other employment in and around Nairobi, and it has not been found practicable to secure other accommodation for them, nor, in existing circumstances, have their employers found it possible to dispense with their services.

In addition, the Central Internment Camp is required to function as the parent camp for over 400 evacuees who are released to employment throughout the Colony and is also necessary as an "in-transit" depot for all civilian evacuees who must pass through Nairobi.

(3) Government has no information at the moment as to the date when the evacuees will be repatriated. Urgent representations have been made to the military authorities for the release of the camp, but they have not been able to find alternative accommodation for the evacuees. The matter has, however, been referred to the authorities in the United Kingdom.

#### No. 120—AFRICAN TRADE ADVISER

ARCHDEACON BEECHER:

In view of the very considerable expansion of African trade that is now taking place, and is about to take place which is to be conducted on "company" as well as on co-operative lines, in view of the dangers both to the traders themselves and to the general public if adequate advice is not available to those traders, and also in view of the fact that the Registrar of Co-operative Societies has not yet

taken up his duties, will Government please appoint immediately (if possible by recruitment locally) a trade adviser?

MR. TROUGHTON: The Government will consult the Trade-Advisory Committee on the suggestion in the hon. and venerable member's question.

(2) As at present advised, however, the Government sees no reason to appoint a trade adviser for the purpose of advising African traders. As the hon. and venerable member is aware, the Government has already appointed a Registrar of Co-operative Societies, one of whose main duties will be to advise Africans regarding the formation of co-operative societies. Instructions are being given to District Commissioners to give such advice as is possible to African traders until such time as the Registrar takes up his duties.

ARCHDEACON BEECHER: Arising out of that reply, will Government please inquire of district officers whether they consider the appointment of a trade adviser is advisable and necessary, and ask them whether in the meantime they consider they can give such information to African traders as is suggested in the reply?

MR. TROUGHTON: I can give an undertaking that district officers will be consulted as the hon. member suggests.

#### BILLS

##### FIRST READINGS

On the motion of Mr. Foster Sutton the following bills were read a first time: Supplementary Appropriation (1944) Bill, Fatal Accidents Bill, Courts (Amendment) Bill, Criminal Procedure Code (Amendment) Bill, Pensions (Increase) (Amendment) Bill, Excise Duties (Amendment) Bill, Public Health (Amendment) Bill, Local Government (Municipalities) (Amendment) No. 2) Bill, Crown Lands (Amendment) Bill, and Deputy Provincial Commissioners Bill, and gave notice that the subsequent readings would be taken at a later stage of the session.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 7th November, 1945.

**Wednesday, 7th November, 1945**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 7th November, 1945, 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 6th November, 1945, were confirmed.

### PAPERS LAID

The following papers were laid on the table:—

By Mr. SURRIDDI:

Sessional Paper No. 5 of 1945, Labour Department.

By HON. CHIEF NATIVE COMMISSIONER (MR. MARCHANT):

Comparative table of revenue and expenditure of Local Native Councils for 1944.

### ORAL ANSWERS TO QUESTIONS

No. 99—EXCESS PROFITS TAX ORDINANCE, 1945

MR. WRIGHT (Aberdeen) had asked:

(1) In view of the fact that "the war that was the occasion of the enactment" has come to an end, will Government please state when the Excess Profits Tax Ordinance, 1941, "shall expire"? (2) Does not Government consider that the time is opportune to grant substantial amelioration of this exacting tax which is so largely subscribed by one section of the community?

On the question being called from the Chair,

MR. WRIGHT: Your Excellency, it is fair to state that the question standing in my name is redundant after the excellent answer you gave yesterday.

No. 107—AFRICAN SOCIAL SERVICES

ARCHDEACON BEECHER:

Will Government please state the extent to which Africans have been provided in 1945 with educational and

social service facilities in the following areas: (a) forest reserves, (b) gazetted townships and trading centres, (c) other district Council areas? Will Government please secure that such work is accorded very high priority in the 1946 programme?

MR. MARCHANT: (a) *Forest Reserves*.—During 1945 grants-in-aid were paid to five schools in Forest Reserves.

Though money was made available in 1945 for the building of a school for African Assistant Foresters, it was not possible to proceed with the work. It is hoped, if staff is available, to get the school going in 1946.

During 1945, in all Forest divisions experimental building has been carried out with a view to the establishment of forest villages as soon as possible. Some dispensaries are in course of erection.

(b) *Townships and Trading Centres*.—Excluding hospitals in Municipalities, all but six Government African hospitals are situated in townships and trading centres. They contain over 1,000 beds and to these hospitals accommodation for 234 beds has been added in 1945 or is now under construction.

(c) *District Council Areas*.—Government African hospitals and dispensaries serving District Council areas are in all cases situated in Municipalities, townships or trading centres. Every District Council area is served by at least one Government African hospital.

Government will make every endeavour to improve the educational facilities in the areas mentioned when trained staff is available. In collaboration with the District Councils it is hoped that a start will be made in 1946 with the provision of African Welfare Centres in European farming areas.

ARCHDEACON BEECHER: Arising out of the reply, is the hon. member indicating that a school for training African foresters is indeed a type of welfare work to which this question refers, or is he not aware of the need for other types of welfare work for such people?

MR. MARCHANT: I am fully aware that the school envisaged here is not welfare but it is supplementary to it.

No. 109—AFRICAN GOVERNMENT EMPLOYEES

ARCHDEACON BEECHER:

In view of the continued and deepening dissatisfaction of African employees of Government (many of whom have rendered long, loyal and valuable service to Government) with their terms of service and with their continued inability to participate in the Government Staff Provident Fund without the sacrifice of privileges far greater than benefits which will thereafter accrue to them, will Government please (a) publish the report of the special commissioner on terms of service, Mr. Hill; (b) indicate those of his recommendations which it is proposed to accept; (c) indicate (if not included in the reply to (b)) what steps are to be taken to provide retiring benefits for local government employees; (d) indicate what steps are to be taken to provide adequate retiring benefits for old employees of Government who are unwilling to accept membership of the African Civil Service on terms at present prevailing?

MR. TROUGHTON: The Government does not accept the statement in the preamble to the question that the acceptance of membership of the African Civil Service involves a sacrifice of privilege far greater than the benefits which thereafter accrue.

2. The answer to part (a) of the question is in the affirmative.

3. The answer to part (b) of the question is also in the affirmative. Mr. Hill's recommendations, however, raise many questions of important principle which require careful consideration. No early decisions are likely to be taken.

4. As regards part (c) of the question, the provision of retiring benefits for local government employees is primarily a matter for the local authorities concerned. The Government has, however, under consideration legislation to enable local government employees, including employees of Local Native Councils, to participate in a Provident Fund operated by the Accountant General. A draft bill has been prepared and is under consideration.

5. As regards part (d) of the question, it is not the present intention to provide additional retiring benefits for the employees to whom reference is made. Such employees are eligible for gratuities under section 900 of the Code of Regulations. Any who elect to accept membership of the African Civil Service automatically become eligible for the benefits provided under the Government Staff Provident Fund Ordinance.

No. 122—LORRIES AND PASSENGER SERVICE VEHICLES

MR. MATIU (Native Interests):

Will Government please state as accurately as possible the number of (a) lorries and (b) passenger service vehicles owned by Africans, Asians and Europeans in the Nyanza Province, dividing the figures for each community district by district? If the figures disclose the fact that Africans possess the least number of these motor vehicles in each of the districts of the Nyanza Province, will Government please take a generous attitude in allocating vehicles to those now least provided for and have constantly made applications for permission to purchase motor vehicles?

MR. MUNDY (Commissioner of Inland Revenue): The number of lorries registered in the Nyanza Province is as follows:—

African	98
Asian	349
European	255

The relative figures for passenger service vehicles so registered are:—

African	24
Asian	38
European	7

It is regretted that the figures are not available district by district, neither is there any information to show whether these vehicles are operating solely in the Nyanza Province.

It will be realized that owing to short supply it has been necessary to set up a Motor Vehicle Control, but I can assure the hon. member that every application for permission to purchase a motor vehicle is given careful consideration, having regard to the supply position and the transport needs of the district in question.

## NO. 123—AFRICAN SOCIAL SERVICES

MR. MATHEU:

Will Government please state (a) the total number of Africans residing in the Rift Valley Province, excluding the Mandi Reserve, and (b) the number of state or state-aided schools and hospitals now existing to serve the African population of the Province? Is Government satisfied that the social services for the African population of the Rift Valley Province are adequate? If the answer is in the negative, will Government please state what action they are proposing to take immediately to remedy the situation?

MR. MARGINANT: (a) The rough figure as at the 31st December, 1944, was 347,000.

(b) The reply to the first part is:—

Schools: Sixteen. In addition some 60 schools are maintained or aided by Local Native Councils.

Hospitals: Ten.

The reply to the second part is that the Government is not satisfied that the provision is adequate. The total number of beds in the hospitals is 500 and the ratio of beds per head of the population is higher than the average ratio for the African population of the whole country. The Rift Valley Province therefore receives its fair share of the medical services which it is at present possible to provide. Extensions of both medical and educational services will be made as and when further staff and funds become available.

Mrs. WATKINS (Kiambu): Your Excellency, I want to ask if Government is aware of the grave doubts which we on this side of Council have of the basis of figures of African population which are believed or thought to be true by the Government administration. We do not believe those figures are anything except guess work.

MR. MARGINANT: I should like notice of that question.

## SCHEDULES OF ADDITIONAL PROVISION

Nos. 5 of 1944 and 2 of 1945

MR. TROUGHTON: Your Excellency, I beg to move: That Schedules of Additional Provision Nos. 5 of 1944 and 2

of 1945 be referred to the Standing Finance Committee.

MR. FOSTER SUTTON seconded.

The question was put and carried.

## PENSIONS

MR. J. M. PATEL

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £59 3-8 a year, with effect from 4th September, 1945, inclusive, to Mr. Jashbhai Motibhai Patel, formerly Asian assistant master, Grade III, Education Department, in respect of his service from 1st February, 1934, to 3rd September, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund, plus the interest thereon, amounting in all to £327-9-4, which reverts to the general revenue of the Colony.

This resolution follows common form, and there are many precedents.

MR. FOSTER SUTTON seconded.

The question was put and carried.

MR. I. J. MOHAMED

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £90-5-6 a year, with effect from 28th November, 1945, inclusive, to Mr. Ismail Jaffer Mohamed, formerly operative, Printing and Stationery Department, in respect of his service from 1st September, 1917, to 27th November, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund, plus the interest thereon, amounting in all to £484-0-3, which reverts to the general revenue of the Colony.

This is similar to the resolution which has just been passed.

MR. FOSTER SUTTON seconded.

The question was put and carried.

MR. J. J. M. LUCAS

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment of a reduced pension at the rate of £15-6-4 a year, with effect from 1st October, 1945, inclusive, and a gratuity

[Mr. Troughton]

of £51-10-0 to Mr. J. J. M. Lucas, first-grade clerk, Labour Department, in respect of his temporary service in the military establishment from 29th April, 1916, to 2nd December, 1919, both days inclusive.

This resolution is also common form.

MR. FOSTER SUTTON seconded.

The question was put and carried.

COFFEE (MARKETING) BILL  
SELECT COMMITTEE REPORT

HIS EXCELLENCY: As regards the next motion, I understand that a point has arisen this morning, and I am not sure whether the Solicitor General is ready to go on this morning. Perhaps I might have a word with the Attorney General.

MR. BROWN (Solicitor General): Your Excellency, I beg to move: That the report of the select committee on the Coffee (Marketing) Bill be adopted.

When this bill was drafted, it was drafted on what I think, I may call conventional lines for a bill setting up a statutory board with a majority of elected members. I mean by that, that the principle was observed of not tying the board down too much in regard to what they might do and what they might not do, but of leaving the board with a fairly free hand in carrying out its business. I submit that that as a principle is correct, because if you tie down the board too much, not only may you seriously hamper its efficiency but you may also be taken as implying a lack of trust in the board generally. I suggest, it is the worst possible atmosphere in which to launch it on its statutory career. I think that in legislating for this sort of board you have got to assume not only that it's the whole wants it, and is going to see that it gets the best men on it, but that even those who do not want it are prepared to give it at least a fair run and are not going to start by attributing to it intentions which are foolish or perverse.

This was a select committee in which it was, of course, very necessary to take evidence. Not only was the coffee industry, the planters, affected by it—a divided industry on this issue—but trade interests were also affected by it, and

they are interests which must affect, for good or ill, the welfare of the coffee industry.

Very early on in our proceedings we found that there was an attitude towards this legislation which I can only describe as one of distrust. Time and again this sort of thing was put to us—“Oh, but under the bill the board could do this, or might do that—it might, for example, appoint a sole selling agency and cut out the rest of the trade,” and it was of no avail to say “Yes, but there is not the slightest intention of doing what you apprehend, and to do that would be directly contrary to the recommendations in the Coffee Marketing Report, which was the fountain and origin of this bill,” because all you got then was “Then put it in the bill!” I maintain my view that to put all these things in the bill, tying down the board to the manner in which its business is to be conducted, is in principle a bad thing, but there was here a much worse thing, and that was to allow these suspicions, and these antagonisms within the industry, to continue if you could allay them by altering the bill, always provided that you were satisfied that you would not thereby interfere unduly with the successful working of the new Marketing Board. That was the criterion which we as a committee adopted. Having adopted it, we called a meeting to which we invited the representatives of all the various interests concerned, including, of course, the Coffee Board. The Coffee Board was most essential, because it was to them that we looked for their views and advice as to how far, if at all, our proposals to meet these criticisms would affect the operation of the new Marketing Board. I know that my colleagues on the committee would wish me to pay a tribute to the representatives of the various interests who appeared at that meeting. I very gladly do so because I think that this Council should know, and I think the public should know, that if, as I think, our report goes a very long way indeed to securing agreement where formerly there was none, it is due in the main to the exceedingly helpful and co-operative attitude of the representatives of the various industries who came to that meeting. Our report is the outcome of that discussion.

[Mr. Brown]

The first matter in the bill attached to our report to which I would draw attention, is the altered clause 1 which provides that different provisions in this ordinance may be brought into operation on different dates. The reason for that is that up to the 30th June, 1947, for certain, and possibly beyond—that is not yet certain—the whole of the Kenya coffee crop is covered by contracts with the Ministry of Supply. Therefore the marketing provisions of this bill, which are contained in clause 18, and the provisions in this bill which enable certain coffee planters to export their own coffee and sell it abroad, those provisions cannot come into operation so long as these contracts continue. What is therefore proposed, if our report is adopted, is that the ordinance should be brought into force as soon as possible, with the exception of those provisions to which I have referred, which will be held in abeyance until the contracts expire and marketing in the true sense of the word begins. When this ordinance is brought into force the position will, therefore, be exactly what it is to-day, except that instead of the Coffee Control doing the work the work will be done by the new Marketing Board.

That was one of the grounds on which we were urged to recommend that this bill be not proceeded with. It was said that this is called a Marketing Bill, but that there was no chance of marketing in the true sense of the word until the 30th June, 1947, at the earliest, and what, therefore, was the point in installing the new Marketing Board in the place of the present Coffee Control when the present Coffee Control are doing the work perfectly satisfactorily? The answer to that, of course, is that the Coffee Control is a creature of Defence Regulations, and there must be some organization to take the place of the Coffee Control when the Defence Regulations come off. Further, if the contracts expire on the 30th June, 1947, then this board will have to start marketing in the true sense of the word. Then it was said, too, that by the 30th June, 1947, all the coffee planters who have been away in the forces and who have had no opportunity of voting on the referendum will be back, and you will get a far more representative opinion of the coffee industry. Well, we considered

very carefully this suggestion that many planters who were away in the forces had had no opportunity to vote on the referendum. I cannot tell you how many the planters who are in the forces—or were in the forces—had no opportunity to vote on the referendum, I do not know what their numbers were, but I can tell you this. Six names were given to us as illustrations of this suggestion that coffee planters who were away in the forces had no opportunity to vote on the referendum. Those six cases we were able to examine, and we found that of the six, five had in fact voted—one of them in favour of the bill—and we had reason to believe that the sixth could have voted if he had wanted to.

The next point in the bill attached to the report which I would come to is the altered definition of "coffee." Apprehensions were expressed that the board might deal in hard coffees (*coffea robusta*). It was never the intention that the board should deal in hard coffees, which are not grown in this country, and I think that intention actually should have been, and could have been, made more clear in the original bill. We have now, I think, made it perfectly clear that the board can only deal in mild coffee (*coffea arabica*), and we have even gone so far as to add a schedule to the ordinance which contains the names of certain mild coffees which for some reason are dealt with by the Hard Coffee Controller; and we have said that those cannot be dealt with by the new Marketing Board. So I think that that must allay the fears of any persons who are interested in hard coffees.

I now come to clauses 12 to 18 inclusive, all of which are new. Clauses 12 and 13 in effect incorporate the provisions which now exist in Defence Regulations. The law to-day under Defence Regulations is that a coffee planter who has in his possession more than 200 bags must send those 200 bags, and any excess he has got, to a coffee miller for curing, and the coffee miller having cured the coffee then sends a half-pound sample of each grade of coffee to the Coffee Control. That is what is provided for in these clauses 12 and 13, with this difference: that the figure of 200 bags is not mentioned and power is given to the board to call in for curing such coffee as they may require. This figure of 200

[Mr. Brown]

is all right to-day and will remain all right so long as the contracts with the Ministry of Supply subsist, but when the contracts come to an end, and free marketing commences, then you must have flexibility. They must be able to call for all the coffee they can get for a market which can absorb it, or for a lesser quantity for a market which can only absorb less.

Then, under clause 14, the board, having received the half-pound sample of each grade of coffee cured, classifies the coffee, and within seven days of classification serves a notice on the planter whose coffee it is informing him of the class in which his coffee has been classified. We found that the critics of the bill may be divided roughly into two classes. There were, firstly, that section of the planters who voted against the bill on the referendum and who were represented before the committee by the Coffee Plantation Owners' Association, and, secondly, the trade. The Coffee Plantation Owners' Association made two points which impressed us a good deal. There is a class of person who grows a high grade coffee and whose estate mark is well known in London. In the course of years that person has built up a reputation and, like anybody else who builds up a reputation, they are entitled to a high price. Not only did it seem to us a hardship that such a person should be submerged in what I may call the common pool, but it also seemed to us to be inconsistent with the emphasis which had been placed in the Coffee Marketing report on the necessity for conserving and maintaining and increasing high grade coffee. The second class of person was the man who, though not necessarily growing a high grade coffee, has by his own special contacts established a market in a place or in a country to which the Coffee Marketing Board would not ordinarily sell coffee. We had in mind a Scandinavian grower who was building up a market in Oslo. Again, it seemed to us not only a hardship that that class of person who had been to very considerable efforts and trouble to build up and establish that market and to make those contacts, should be submerged in a common pool, but that it would be a bad thing if a market where Kenya coffee was beginning to be known should be lost.

Various matters were discussed to deal with and relieve those classes of people. We contemplated allowing them to repurchase their coffee which they had sold to the board, but rejected that idea, and the decision which we eventually took was this. What does it matter if people who want to export their coffee and sell it to their own special markets are allowed to do so? What does matter is, if, in doing so, they do not materially affect the price which the Marketing Board will get for the coffee which they sell. I said a little earlier that under clause 14 the Board classifies the coffee and within seven days serves notice of that classification on the planter. We have provided that the planter who wants to be allowed to export his own coffee must apply to the board, and the board within seven days of receiving his application must grant it if they are satisfied that in granting it they will not substantially interfere with the price which they would get for the coffee they sell; if they refuse to grant the application, then the planter has seven days within which to appeal to the Member for Agriculture. But in order that the board may have warning of the number of applications which it is likely to receive, and may not suddenly be swamped by applications to be dealt with in those seven days, there is a preliminary step which the planter must take. When his coffee is sent in for curing, he must give notice of his intention to apply to the board later for this permission to export.

I should like hon. members to get it quite clear—may I give it in summary form. First of all, the board may, for ordered published in the Gazette, require such coffee to be cured as they want. At that time or before, but not later, a planter who wishes to export his own coffee has got to give notice of his intention to make application to export. Secondly, the coffee miller who cures the coffee or whoever it is—it may be the planter himself—within 48 hours of the coffee being cured must send in the half-pound sample of each grade to the board. Thirdly, the board classifies the coffee. Fourthly, within seven days of the classification it serves notice of that classification on the planter. Fifthly, within 14 days of receiving his notice of classification, if he wants to export his own coffee, the planter applies to the board. Sixthly, the board grants or

[Mr. Brown] refuses the application within seven days of receiving it. Seventhly, if it refuses the application the planter has seven days in which to appeal to the Member for Agriculture. It was generally agreed that those planters who are allowed to export their own coffee cannot be allowed to get away without some contribution to the overhead expenses of the board, and so we have provided that, when the time of pay-out comes, and it has ascertained the amount which the planter would have received from the pool if he had not been allowed to export, the board can require him to pay a sum not exceeding 5 per cent of that amount which he would have received or £5 for every ton of coffee he was allowed to export, whichever is the less.

Now I come to the trade. I referred just now to the knowledge and experience which, of course, the trade has to contribute in matters of marketing to this board, and the various provisions in this bill which is attached to our report affecting the trade mainly are clauses 19, 22, 23, and 26. In clause 23 we recommend that, with a view to taking the very fullest advantage of the knowledge and experience which we know the trade has to offer, an advisory panel should be appointed, purely advisory, whose function it will be to advise the board on any matter relating to the sale of coffee. It will consist of three coffee dealers, two coffee commission agents, and one coffee miller, and any two members can at any time request the chairman of the board to convene a special meeting of the board. Coming to clause 19—which, with the contracts with the Ministry of Supply expire will, I suppose, be one of the most important provisions in the ordinance—I can, I think, give my opinion of that clause best in summary form. First, the board, in selling any coffee other than coffee for sale to the United Kingdom, must sell on the Nairobi Coffee Exchange, and that sale will be by public auction on the Nairobi market, and it will be subject to the rules and regulations of the Nairobi Mild Coffee Trade Association. That, we understand, conforms with the pre-war practice when coffee planters sold their own coffee. If they sold it to the United Kingdom it was sold direct; if not, it was sold on the Nairobi coffee market.

By clause 22 the Standing Joint Committee—which consists of three members of the board and three members of the Mild Coffee Trade Association, with an independent chairman—will have the job of considering all the rules and regulations of the Mild Coffee Trade Association. Secondly, the board, whether they sell their coffee to the United Kingdom or elsewhere, must employ agents for the sale of that coffee. The only exception to that is that when they offer coffee for sale by public auction on the Nairobi market and it has been refused, they can sell that coffee without employing agents. The next thing is that in employing agents the board are required to pay due regard to the claims of all agents carrying on business in the colony. Finally, the sole selling agency, about which considerable apprehension was expressed. The board cannot appoint a sole selling agency to sell their coffee, except upon a resolution of this Council, so that if there is ever any necessity for it the whole matter will be ventilated in public debate. I must make it clear in referring to the rules and regulations of the Mild Coffee Trade Association that this will only apply to the sale of coffee by public auction on the Nairobi market—they do not apply to the terms and conditions of appointment by the board of agents, which are dealt with under clause nine of the bill. This provides that "The board may appoint and employ agents to carry out any of the duties imposed upon them by this ordinance on such terms and conditions as they may from time to time determine."

Clause 21 takes the place of the old clause 14 about which there was a good deal of criticism on the second reading. That clause provided that the board might purchase and sell coffee which had been produced outside the colony, and apprehensions were expressed that the board might gamble in Costa Rica, Brazilians, and I do not know what else. We have provided that the board can only purchase and sell coffee produced outside the colony in Tanganyika, Uganda, or the Belgian Congo. If they gamble in that, I think that at least in this respect they can be left to be dealt with by their electors!

Finally, as far as the trade is concerned, there is clause 26 of which, as the draftsman of this measure, I am not

[Mr. Brown] particularly proud, however much I may be commended for it by some people in my capacity as chairman of the select committee. Considerable qualms were voiced by the commission agents last under this legislation coffee planters might not be able to continue employing their own agents. In vain I assured them there was nothing whatever in the bill to prevent it, but I do not flatter myself that my assurances had the slightest effect. (Laughter) So, in order to allay any misgivings there might be, we have put in this clause, which I think represents the very limit of the unnecessary and the unorthodox. But it has given a great deal of pleasure and that, quite frankly, is the only justification I can make for it. In conclusion, the rule-making powers under this bill are vested in the hon. Member for Agriculture on the advice of the board and not, as was the practice in the past, in the Governor in Council. That we believe to be consistent with Sessional Paper No. 3 of 1945, the principles of which were accepted by this Council, and we believe it has the added advantage of convenience.

That is all I have to say on our report, but there is one other matter with which I must deal. The Coffee Plantation Owners' Association expressed to us their dissatisfaction with the conduct of the referendum, and we devoted a special sitting to hearing their case on that issue. After the committee had adjourned, I personally decided that I would myself make an investigation into the whole of that referendum. I say personally, because the decision was taken by me after the committee had adjourned, simply because I did not think of it when the committee was sitting, and I have not the slightest doubt that if I had have they would have approved of it as they did afterwards. In this investigation I asked my colleague, the Commissioner of Inland Revenue, to assist me; and his assistance was quite invaluable, as also were his office records of licensed planters, all of which we had at our disposal. I cannot possibly in the time go into the details of our investigation, of what we did and how we did it. It took us the whole of one day and half the next in the office of the Director of Agriculture and it involved a good deal

of correspondence besides, but I feel that I must inform Council that, as a result of our investigation, both my hon. friend and I are satisfied that the required 75 per cent majorities both of coffee planters voting and of production were in fact obtained.

MR. FOSTER SUTTON seconded.

MR. NICOL (Mombasa): Your Excellency, first of all I should like to say that I do not grow coffee in Kenya, I do not deal in Kenya coffee, so that if anybody is unbiased I can claim to be unbiased! I expressed a dislike of this bill at the second reading, and I am still not satisfied that the bill is absolutely essential since the coffee crop for 1947 has already been sold to the Ministry of Supply. In fact, I must make one point here, that in the select committee at the beginning of our deliberations I was a bit misled, as I understood from the hon. Director of Agriculture that only a percentage of the annual crop was contracted for to the Ministry; but at our last meeting I was informed that the whole crop was under contract with the Ministry, and that makes it, in my opinion, even more unnecessary to rush this bill. I do agree that some form of organization within the coffee industry is highly desirable, and I do not think there is anybody who does not agree with that. I would say, in regard to what the hon. mover has said concerning mistrust, that there is no doubt about it that there was a feeling of mistrust of the bill right from the beginning and, quite frankly, in certain evidence which was led to us I must say I had engendered in me a feeling of distrust too. It was for that reason we did insist that the intention behind the various clauses should be put into the bill so that there should be no argument at all. I must therefore congratulate the hon. mover on his drafting, because I do think the intention is clear in each clause. Half the trouble with some bills is that perhaps the legal fraternity can understand them, but the mercer man in the street cannot, and I maintain in drafting legislation that the intention should at least be palpably clear to the ordinary people who have to try and interpret it like ourselves. (A Member: What about the lawyers?) Bad luck on the lawyers, I agree, if they have their living taken away!

[Mr. Nicol]

Regarding the investigation carried out by the hon. mover and the hon. Commissioner for Inland Revenue, they found that there were errors, but this did not mean that the voting came down below 75 per cent. Actually, the figure published by the hon. Director of Agriculture was 75.3 per cent, and the hon. members whittled it down to 75.2 per cent. Nevertheless, there were mistakes. A check of these was carried out in the first place—I am talking about the original referendum in the office of the Director of Agriculture. I believe there was a mistake found in the early stages, and that was reported to the Director of Agriculture, and I do submit that he should have promptly called in an outside auditor, because it was only fair to himself and also to his Department, and the mere fact that there were mistakes found must, of course, influence and possibly engender a further feeling of mistrust in this regard. If I may, I will quote from the report of the sub-committee which did investigate this matter. I must say that I am very glad indeed that the idea of carrying out this investigation occurred to the hon. mover after the committee had dispersed, otherwise I might have found myself roped in for a lot of work to help with the job! The sub-committee say: "We wish to record that while our investigation has been carried out thoroughly we would not say it was meticulous, and may be there were a number of minor matters which should receive careful attention." So much for that. We know there was considerable opposition from all sections of the industry to this referendum.

The coffee industry is of inestimable value to the colony as a whole, and it is essential that we do not have any cleavage in that industry, and one of the things that worries me in this marketing and did at the time (but we have got it buttoned up now), was that the board could market on their own. With all due respect to that Marketing Board I do not think any members would say that they had practical experience of marketing coffee. It is definitely a very tricky business, rather more tricky perhaps than any other primary produce. Again, the coffee crop of Kenya is less than 2 per cent of the world's crop. Therefore if anybody here thinks he can

influence the trend of the world markets I am afraid they have another thing coming to them, and we did have evidence that buyers were not at all happy with regard to the original interpretation which was put on the bill when it was debated on the second reading the other day, and in select committee. I would mention that the American market can be very valuable, but during the war years it has not been receiving any Kenya coffee, and it is up to the dealers in America now to re-educate the American public taste for Kenya coffee. That is a point which was very strongly made in evidence to us and must be borne in mind. I would remind hon. members that in Rhodesia some years ago they tried to dictate to the London market on the subject of tobacco, and the London market dealt with them rather severely.

My hon. friend, the Member for Nairobi South, on the second reading of this bill said: "Whether the Coffee Plantation Owners Association is a weak or strong body I think is a matter of no immediate belief. I happen to know that some of the members of that small body, if it is as alleged a small body, are some of the best coffee planters in this country, and even if it had only one coffee planter and he could point out to us any particular point under this bill in which he was going to suffer an injustice, then I maintain that we should put it right." I do thoroughly agree with that, and we tried to do it, we tried to put it right in this bill, but I do not think the C.F.O.A. are as yet quite happy. That is my information. I will come on to that matter in a moment. Some of the evidence laid by the protagonists of the bill was, to put it bluntly, nonsense, and I was not impressed. For example, one witness said that one of the reasons why this was absolutely necessary to have this bill was because certain people who had friends at court in London got far higher prices than their coffee entitled them to get. Well, I thought that was pretty good nonsense. I wrote to a friend of mine in London who has been in Mincing Lane for 30 years, and his reply was more or less to this effect: that he had tried to learn that there was much sentiment in Mincing Lane.

There was another thing which worried us, and I have heard it expressed

[Mr. Nicol]

before on a select committee some years ago. The view was expressed again in this select committee, and I have heard it outside as well, and that is that there is a certain degree of mistrust or fear among certain plantation owners in regard to the Land Bank agents and their inspectors, and I think that in fairness to the Land Bank, in fairness to everybody and in order to get this matter cleared out of the way, I should like to suggest that Your Excellency should appoint a commission to see whether there is any truth in this allegation. It is not as if one or two people only have mentioned it—a lot of people have mentioned it.

If this bill is really necessary then, as it is drafted now I think that perhaps it is as good as any one we can get hold of, and that is why I signed the report. But I am still not too happy about it. In effect, though the first bill was based on the Marketing Committee's report, this bill which we have attached to the select committee's report is a very different document; in fact it is a new bill, and being a new bill I should like to suggest that the correct procedure and the best thing to do would be to withdraw it and re-publish it for consideration and put it through all its stages at a later stage this session. There should not be any undue delay if it is the intention that this bill should go through.

Finally, as a member of the select committee, I should like to express my thanks and congratulations to the hon. Solicitor General for the way in which he handled that committee. It was a very interesting committee indeed, and his handling of it was absolutely excellent. (Applause.)

MRS. WATKINS: Your Excellency, I rise to support this bill and to express my admiration for the first class job that has been put in on it. I feel that I am, entirely responsible; I was not there, but Sir Philip Mitchell made sure that Kiambu had an even better representative than I was, if that was possible! It is largely because of the committee's work that the two sections in the coffee industry are going to be able to work, I hope, in harmony over the next few years.

There are one or two points I want to stress on the matter. After I have congratulated the hon. Solicitor General on the extraordinarily clear way in which he not only drafted the bill but the extra-ordinarily clear way in which he explained it—even I could understand it!—I would point out that there is a little more to it than meets the eye, or perhaps the non-coffee grower's eye, in the matter. The minority was definitely frightened of monopoly, and that goes back a long time now. There have been several attempts to get a monopoly of the coffee trade, and people who have been here for some time may remember that the first matter which I tackled when I got into Council—I think that really was the main reason for my getting into Council, that and the native housing question—was the question of the suspected monopoly of the coffee industry by the big companies and the exclusion of the small man. That was a case of one man one vote, and we fought it to a finish. I even had to meet with opposition from my conferees on this side of Council, but luckily I got it through. So that was settled. That was the first attempt. The minority have followed the tendency of these monopolies in other countries.

I should like to say straight off that this bill in its original form would not have met with the strong opposition it did meet if it had not been for the tendencies of monopolies in the United States of America and elsewhere. So bad did this position become here, they had to have special legislation so I am told, in America against monopolies and against farming monopolies, one of the tendencies of which was not to expose themselves to the public view before they had got a grip of the whole industry. That was a time when we were frightened off. I have been fighting for the small man in the industry, for though I am a large woman I am a small man as far as coffee farming goes! We were not reassured by the treatment we had received at the majority's hands in being told that we were completely unreasonable. The Coffee Plantation Owners Association is not perhaps a really large body—it consisted of 200 members—the last time I looked at the census and there are 600 coffee farmers altogether—but it does contain the small owners, not only company managers, which makes a big differ-



(Mrs. Watkins) does that we can criticize it. But I think it would be quite a good thing. I think I hope that it will not go to another select committee because it involves such a tremendous lot of work. I think it should be published, and with a little propaganda spread round the country people should accept the new bill as it is now.

There are one or two points in the bill about which I am not over happy. One is clause 4(2), in which this board is allowed to mortgage our coffee and borrow on it. That seems to me a little dangerous, and it may want amending in future, but perhaps I am wrong. Clause 16(2) seems a little optimistic on the postal side. Now that we have a new Postmaster General, of course things may alter, but I think that the time allowed for posting of notices is not long enough. It takes four days for an ordinary letter to go from the Standard Bank to the East African Standard (Luganda), and I do not remember a registered letter being delivered in a week.

The point that made me support this bill wholeheartedly is that the primary producers at home have tried to stabilise prices, and we may be able to send a man home from here, and if our coffee people are organized just as the pyrethrum people are organized, we may stand a better chance of coming in with Britain, although ours is tropical agriculture. I do welcome this bill most particularly because it has brought everyone together, and it has forbidden monopoly, which was our outstanding difficulty, and now it is going to give us an organization which will, I think, be able to deal with our coffee in bulk and help us to pull together for the next few years. If we cannot get our own representative home for this primary producers' conference—I know we cannot influence the London prices or the London markets, but if we work together with the other farming activities I think we may be able (and I am looking forward to the new Coffee Board to help us)—to come into line with Britain and do what Britain is doing for her agriculture, which is a much wider thing than Kenya's and a much wider thing than coffee. As a coffee planter I can support this bill. As to whether it should be published again

so that we can criticize it. I think it would be quite a good thing. I think I hope that it will not go to another select committee because it involves such a tremendous lot of work. I think it should be published, and with a little propaganda spread round the country people should accept the new bill as it is now.

MAJOR JOYCE (Ukamba): Your Excellency, as a member of this select committee I have nothing to add really to what the hon. Solicitor General has said in explaining the amendments that have been recommended by that committee, nor do I think any further delay is either necessary or desirable. As a member of a select committee for the first time, I am personally quite satisfied that every possible interest was consulted in this matter and that, in spite of what the hon. Member for Mombasa suggests, I am quite satisfied that all reasonable suspicions have been allayed. Therefore I deprecate any further delay, and support the motion.

DIRECTOR OF AGRICULTURE (Mr. Blunt): Your Excellency, there are one or two points which have been made in the course of the debate to-day to which I feel I should reply and, referring particularly to two points made by the hon. Member for Mombasa, he suggested I mislaid the select committee by stating that the whole of the crop was not under contract. I must plead guilty to that, but it was said in perfectly good faith in that up to the time when I was speaking the whole crop had not been under contract. There was some not under contract with the Ministry of Supply. I believe that when I said it was not all under contract, the new agreement was in the country, but I had not seen it and was not aware that it covered the whole crop. The other point he made was in connection with the referendum. He suggested that I withheld knowledge I had that a mistake had been made in the referendum. That is not correct. There was a mistake made, and that mistake was disclosed when the investigation to which the hon. Solicitor General referred was made by himself and the hon. Commissioner of Inland Revenue, and not until they discovered that mistake was I aware of it. At that time they were in the course of and had got a considerable distance with the investigation, the investigation being undertaken on behalf of the select committee,

(Mr. Blunt) and I submit that it was not up to me at that stage to bring anyone else in to make another investigation.

The hon. member also made the point that he was still not satisfied that the bill was necessary. I think that the tendency is to take too much into account what the minority opposition to this bill feel about it. It is admitted that there are people who object to the bill; in fact, they voted against the introduction of the marketing scheme, but we must remember that a very large majority of coffee planters and coffee producers of this colony asked for this bill and are satisfied that it is going to do what they want, and I submit that we should therefore allow the bill to go through and, since they want it now, we should allow it to go through now. The hon. member also suggested that this bill was being rushed through. I cannot agree with that statement. As I pointed out when I spoke on the matter on the second reading, the bill arose out of the report of a committee which reported in January, 1944, some 22 months ago, and has been continually under discussion and consideration since then, and I suggest that a matter of 22 months should be sufficient to enable us to say that it has not been rushed. The hon. member also made the point that the Kenya coffee crop is a very small percentage of the world's coffee and cannot be expected to influence the coffee market. There I think we all agree with him; that is quite obvious. But what it is believed a marketing bill of this kind can achieve is to ensure that the coffee is so conveyed to the Nairobi and London markets that it will receive the best possible prices, and that there will not be occasions, which have undoubtedly occurred in the past, where coffee is put on the market when the market is not ready to absorb it and as a result planters had to accept prices lower than its real value. He finally suggested that as to its intents and purposes this was a new bill and it should be therefore withdrawn and started all over again. I want to challenge that statement. It is a new bill inasmuch as there is a good deal added to the original bill, but I do not believe that, except in one case, there is anything appearing in this bill now which was not either specifically mentioned or obviously envisaged in the Marketing Committee's report. We have tried to put

into the bill, and I believe have succeeded, many things which were raised in the earlier debate on the subject and which I referred to as being already in the Marketing Committee's report. That was done to satisfy hon. members that the recommendations of the Marketing Committee's report would be carried out. I believe the only thing not specifically suggested in the report is one that no one will quarrel with, and that is the appointment of an advisory panel.

The hon. Member for Kiambu cheered me exceedingly by his statement that she thought the result of these alterations to the bill would result in getting the two interests in the coffee industry to pull together better in the future. If that has been achieved, I think that all the work put into the bill has been time very well spent. But I must agree with the hon. Member for Ukamba as to the extremely long period it took us to get through this select committee, and though I have been on many committees of this Council I never remember one over which we spent so much time or heard so much evidence.

There is only one other point that I should like to mention, also made by the hon. Member for Kiambu, that she felt that the small man needed much greater protection. I would point out that we have evidence in the voting for this bill that it was the small man, rather than the large man, who was in favour of the bill, for the reason that voting by heads gave a majority of 79 per cent in favour of the bill whereas voting by production gave a figure of just over 75 per cent. I take it, therefore, that the small coffee grower is fully satisfied that he does want this bill.

MR. VINCENT (Nairobi South): Your Excellency, there is only one point that I want to make. I have listened to the speakers who have already spoken with very great interest. I am rather sorry that the hon. Director of Agriculture feels that the bill can go through in this form without the public knowing the final form of this very contentious bill. There is no great hurry. We are going to have a long session, and I do say that it is my opinion that a bill which has been altered to the extent this one has might well, in order to get the feeling of the interests involved; be withdrawn and re-published and brought back. I should certainly oppose another select commit-



23. Fatal Accidents Bill

### SUPPLEMENTARY APPROPRIATION (1944) BILL

#### SECOND READING

Mr. TROUGHTON moved: That the Supplementary Appropriation (1944) Bill be read a second time.

Mr. FOSTER SUTTON seconded.  
The question was put and carried.

### FATAL ACCIDENTS BILL

#### SECOND READING

ATTORNEY GENERAL (Mr. Foster Sutton): Sir, I beg to move: That the Fatal Accidents Bill be read a second time.

In moving the second reading of this measure I think it will be sufficient for me to say that it seeks to alter the existing law to enable a wife, husband, parent, or child of a person who is killed by a wrongful act of another person to bring an action for damages suffered by reason of the death of that person against the wrongdoer. Under the ordinary law, if a person's death is caused by what is known in law as a tort, the right of bringing an action dies with the person against whom the tort has been committed. This bill seeks to put the persons I have already mentioned in a more favourable position so that they can recover damages if by reason of the death a wife, husband, parent, or child have in fact suffered damages. Hon. members will probably recollect that a bill was introduced into this Council, I think in February of this year, and it was published in the Gazette dated 27th February and read a first time. It was not proceeded with, for the reason that the hon. Member for Mombasa and a number of other persons made representations regarding the provisions contained in the measure. Upon further consideration, the Government decided that it was not ample enough in its provisions and that they would withdraw it and introduce another measure containing more protection for the persons concerned.

This new measure contains provisions which were not in the original bill. For example, under the original bill if the person who committed the wrongful act died, it was not possible for the person injured to bring an action against his estate. This bill seeks to enable the action to be proceeded with in spite of

the death of the wrongdoer. That is one of the provisions which was enacted in the United Kingdom in 1934 in a measure known as "The Law Reform (Miscellaneous Provisions) Act." The present bill also contains a wider definition of child. I would refer hon. members to clause 2 (2). The definition of "child" includes a child by adoption and also an illegitimate child. I think it is only right and proper that the definition should be extended as has been done here. An adopted child may well be as much dependent upon the parents who have adopted him as a normal lawful child, and an illegitimate child may well be equally dependent upon his mother or father killed by the act of some other individual.

Those, in the main, are the new matters of policy included in this measure. There are one or two points which I think it would be useful to have a further debate upon, and for that reason I am going to ask leave to move that the bill be referred to a select committee of this Council for further consideration. I should like to give members of the public an opportunity of making further representations, if they so desire.

Mr. BROWN seconded.

Mr. VINCENT: Your Excellency, I am very glad to hear the hon. member say that he recommends that this bill should go to a select committee, because it is not quite as simple as it looks, as he probably knows, especially as regards the clause which he has already referred to—clause 2 (2). I would not like to suggest that lawyers in this country would do it, but I know of another country in this world where when the occasion arose a whole queue of illegitimate children could be arranged for, and therefore we shall have to state clearly a definition of what an illegitimate child is. (Laughter.) They would have to be registered, for instance. It is a very serious point. As I say, you know you can control an adopted child as such because it is adopted by law. I think we shall have to make that very clear and I think that unless illegitimate children are registered you open up a field of very grave danger to people who have had an accident being made the victims of false provision for children whose father was not the father claimed for them.

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(Mr. Vincent) I only make that remark because in the meantime, no doubt, we shall find out from the Attorney General whether illegitimate children in this country are registered and whether he agrees that they should be registered. I repeat I am very glad that this bill is going to a select committee.

Mrs. WATKINS: Your Excellency, I see a definition of "child" and I see a definition of "parent," but I do not see a definition of "wife." Although it may seem rather redundant to put that definition in, I do suggest that it is very necessary where the Mohammedan is concerned, because whereas a Christian has one wife a Mohammedan may have four. Let alone a barrage of children, I think you might have a barrage of wives! I think you would have to limit it to possibly one wife, or one family. It seems rather unreasonable that if you have an accident in the one case you have to provide for four families and their keep and in the other case you only have to support one family. It is a point I want to put up because after all the families of our Mohammedan friends are far in excess of ours.

ARCHDEACON BUCCHIER (Native Interests): Your Excellency, I rise to support this bill in principle, but at the same time I am very glad that it is going to a select committee. If I am in order, however, I should like to point out the futility of legislation of this kind because those whom it is intended to benefit are unable to avail themselves of the facilities which it provides.

I submit that in the case of Africans a very large number will be unable, by reason of their economic state, to institute proceedings along the lines suggested by this proposed legislation. In saying this, I should like to pay in passing a tribute to the Labour Department that Department have assisted in securing compensation in certain circumstances analogous to those with which this particular piece of legislation deals, in cases where the parties concerned were quite unable to afford the legal aid that would otherwise have been necessary to secure that benefit. I would further submit that those who are able to institute the proceedings along lines

which this legislation envisages often pay legal fees which are totally incommensurate with the benefits which they seek by law to secure for themselves. In short, what I am taking the opportunity of suggesting at this stage is that Government should consider the whole question of setting up legal aid bureaux for such persons as this bill seeks to assist, so that the anomalies which I have mentioned may no longer continue.

Members of this Council will be aware of the great assistance to the public of Great Britain that was available as a result of the activities of Toybee Hall and those who worked there, and of the inception of legal aid bureaux as a result of those activities. There will perhaps also be aware of the fact that the Grantham Committee in London at the present time is responsible for some 55 legal aid bureaux within the London area alone. In South Africa a new set up in November, 1944, of the whole question of legal aid bureaux was outlined by the Minister of Welfare and Demobilization. What he envisaged was legal aid bureaux controlled by provincial law societies set up in various parts of the country. Such bureaux will be administered by an advisory committee, consisting of representatives of the Government and of the provincial Law Society; social welfare bodies will have representation on such committees, and this is the important point—Government will pay 100 per cent of the cost of running these bureaux. I recollect that the Bushe Report made reference to certain aspects of legal aid for poor persons and Mr. Phillips makes reference to that same aspect in his recently published report.

But I would submit that the provision of defence facilities for criminal persons is not enough; what is much more urgently required is legal assistance for persons instituting civil proceedings of the kind with which this bill deals. I therefore appeal for Government assistance in setting up such bureaux and the co-operation of the legal profession as a whole in carrying out such proposals. Without these bureaux I very much fear that the proposed legislation and much other legislation of a similar kind which I hope will be introduced into this Council before long will be rendered very largely of no effect.

Mr. NICOL: Your Excellency, I welcome this bill and also the fact that it is going to select committee. I think I am correct in saying that the investigation, if I may say so, of this bill was as a result of evidence which we obtained in the select committee on the Third Party Insurance Bill. There is just one point as regards this bill, and I am not sure whether we can put it in. I understand that in the event of an accident, and, say, the driver of the vehicle causing the accident is killed, although he is insured, his policy, if he is killed, becomes a complete wash-out and the insurance company can say "No, we are not paying any third party benefit on this because the insured party was killed". I think I am correct in saying that, but perhaps my hon. friend the mover will correct me if I am wrong. That was my recollection of the evidence that was given in connection with the Third Party Insurance Bill. Anyhow, I think that we should have that tied up here.

In regard to third party insurance, I should like to know what is going to become operative, because more than six months have gone by, which is the period the insurance companies asked for in order to get all their rates and things worked out, and I think it is high time we had that Third Party Insurance Bill in operation in this Colony.

MR. FOSTER SUTTON: Your Excellency, I should like to deal first of all with the point raised by the hon. Member for Mombasa regarding Third Party Insurance legislation. The hon. member will recollect that when that bill passed its second reading, I stated then that it would take the insurance companies some time to prepare their forms and the Government some time to consider their rates. I have on several occasions myself tried to ginger up the insurance companies to hurry up and submit their rates without any further delay, and I am glad to be able to say that I have been informed by the hon. Member for Nairobi South—I was not aware of it—that they actually submitted their rates to Government on the 29th October this year. I have not yet seen them. But I can give this undertaking, that the rates will be carefully considered, and expeditiously, and the legislation will be brought into force as soon as possible.

With regard to the point raised about insurance policies. A great deal depends on what the policy says, and I would rather not be pushed to express an opinion now. I should like to consider the policies. This legislation is definitely designed to put the position right, so that if a wrongdoer does die his estate can be attached, and if the person against whom a tort has been committed dies his dependants can attack the wrongdoer. Of course we will go into it carefully in select committee and consider some of these policies and see what the position is.

Regarding the point made by the hon. member Archdeacon Beecher, that was one of the reasons why I wished this bill to be referred to a select committee, because after it had been published in the Gazette I received a communication from the Labour Department, and if I may be pardoned for doing so I propose just to read it to reassure him: "With reference to Government Notice No. 386, it is noted that under section 6 of the Bill, action may be brought by the persons beneficially interested and I would suggest for your consideration that when the Bill reaches committee stage, section 6 might be amended along the lines of section 76 (f) (ii) of the Employment of Servants Ordinance, 1937, whereby a Labour Officer or a District Officer can, when the person beneficially interested is a native, with the permission of such person, institute or appear or institute and appear on behalf of any native in such civil proceedings. This would enable both the Administration and this Department to take up cases on behalf of natives who have neither the means nor the knowledge of procedure to set about such cases." That, of course, I entirely agree with. I cannot naturally bind the select committee, but we will consider the point and see what can be done.

Regarding the establishment of legal aid bureaux to assist indigent litigants, I would rather not bind myself by saying anything about it now. It is, of course, possible under our Rules of Court, for a person who can prove that he is not worth above a certain amount to sue *in forma pauperis*. I am not familiar with the procedure here, as I have not been in private practice in Kenya, but in most

[Mr. Foster Sutton] countries you can apply to the court on the footing that you are not able to finance an action and, if they are satisfied that you are not, their counsel is asked to appear on your behalf and you are allowed to sue *in forma pauperis*. That procedure, I believe, is available here, but the select committee will consider that also.

Regarding adoption, I think I can reassure the hon. Member for Nairobi South by referring him to sub-clause (3) of clause 2, which reads as follows: "In this section the expression 'adopted person' means a person who has been adopted under the provisions of any law for the time being in force in the country in which such adoption took place". To enable an adopted child to benefit under this bill it will have to be proved that the child had been legally adopted in accordance with the law of the country in which it had been adopted. I found, on examining other legislation on this subject that in the United Kingdom the only adopted child that could benefit under legislation there is a child who was adopted in accordance with the United Kingdom act. That seemed to me rather unfair because if we followed that we merely made it possible for a child adopted under our ordinance to sue it would be most unfair. In whatever way a country a child is adopted it seems to be that they ought to be able to benefit under the legislation. I do not know why they do not have that in England; there may be a very good reason.

About illegitimate children, I do not know exactly what the position is here, but I believe that the same requirements regarding registration of legitimate children apply to illegitimate children. They are, as hon. members probably know, very frequently registered in the name of the mother; sometimes the mother registers them in the name of the father. I do not think there is any danger such as that envisaged by the hon. Member for Nairobi South, because before any body benefits under this enactment he will have to prove that he was the illegitimate child of the person and that he has suffered damage by reason of his parent's death.

The same principles apply to the question asked by the hon. Member for

Kiambu. It does not matter how many wives a man may have; if he has been keeping them and if they have suffered damage by reason of his death, it seems fair and logical that they should be able to claim damages against the person who has brought damage upon them. So that if by reason of anyone's religion they are fortunate enough to be able to have four wives I think they ought to be able to claim.

The question was put and carried.

MR. FOSTER SUTTON moved: That the bill be referred to a select committee consisting of himself as chairman, Mr. Nicol, Mr. Thakore, and Archdeacon Beecher.

MR. BROWN seconded.

The question was put and carried.

## COURTS (AMENDMENT) BILL

### SECOND READING

MR. FOSTER SUTTON: Sir, I beg to move: That the Courts (Amendment) Bill be read a second time.

This is a very short measure, and, briefly, the reason for its introduction is this. There are a large number—and the number is increasing yearly—of detribalized Mohammedans living in districts outside the coast districts of the Colony. At the present time, except in the coast districts, there are no Mohammedan courts that can deal with civil matters affecting status. Representations were made some time ago to the Government requesting that the Courts Ordinance, which this bill seeks to amend, that is No. 16 of 1931, should be amended; to enable, if Mohammedan courts to be established, if and when it appears necessary to do so, in other parts of the Colony, the coast districts. For that object this bill has been introduced to amend the principal ordinance. I do not think I can usefully add anything more to what I have said, as the bill is very short and simple.

MR. BROWN seconded.

ARCHDEACON BEECHER: Your Excellency, I rise on two points. The first is purely an academic one: In Government publications almost every possible and impossible permutation and combination of the letters which are available is used

[Archdeacon Beecher] who are unable to obtain relief unless they go to the Supreme Court, which is an expensive and a difficult procedure for persons of that class. It was because of that that it was decided to introduce this bill so that, in the first instance *kadhis* courts could be established to deal with the urgent needs of the Mohammedans concerned. I would draw the attention of the hon. member—I do not know if he has a copy of the principal ordinance before him, but if he has he will see that it provides "The limits within which subordinate courts shall exercise their jurisdiction shall be as follows", and it sets out the various courts, including the one referred to in this bill, *kadhī's* courts. Under section 7 the hon. member will observe that we are seeking to delete the words "in the coast districts within" and to substitute the word "within", so that the jurisdiction of *kadhī's* courts will only be restricted to the limits of the district within which they are established. Without this amendment *kadhī's* courts have jurisdiction in the coast districts only. They have jurisdiction over Mohammedan natives and other natives up to the figure set out in the section.

The second point deals with a more serious matter—not that I am suggesting that the first is purely facetious—and it is this. I should like to ask Government to hold up the second reading of this bill, or if necessary to withdraw it, or alternatively to refer it to a select committee, in order that the opinion of the Legal Adviser be obtained on a matter which I regard as being of some very considerable importance. The new section 18 in the last but one of the definitions regarding the measure of jurisdiction to be accorded to *kadhī's* courts, it states that they shall have "full jurisdiction over Mohammedan natives in all matters relating to personal status, marriage, inheritance and divorce". That is what is now to apply in such other parts of the country as well as to the coast districts. In the matter of personal status I am not particularly worried, but I am very worried about the section granting full jurisdiction in the matter of inheritance in up-country areas such as is proposed. I feel there will be a very considerable conflict between native law and custom and Mohammedan law in this respect, but I do not feel competent personally to give an explanation in full detail of the manner in which that conflict will arise. I therefore suggest that it is only fair to that large body of native indigenous custom from which the up-country Mohammedan is derived that full consultation should take place and a full investigation be made before this proposed legislation passes into law. I therefore appeal for a suspension of the second reading of this bill in order that the Legal Adviser's opinion can be obtained.

Mr. FOSTER SUTTON: Sir, the place where it was particularly desired that these Mohammedan courts should be given jurisdiction was in the Northern Frontier District. The problem there is an acute one, and the Government was informed by the administrative officer in charge of the area that there are large numbers of detribalized Mohammedans

who are unable to obtain relief unless they go to the Supreme Court, which is an expensive and a difficult procedure for persons of that class. It was because of that that it was decided to introduce this bill so that, in the first instance *kadhī's* courts could be established to deal with the urgent needs of the Mohammedans concerned. I would draw the attention of the hon. member—I do not know if he has a copy of the principal ordinance before him, but if he has he will see that it provides "The limits within which subordinate courts shall exercise their jurisdiction shall be as follows", and it sets out the various courts, including the one referred to in this bill, *kadhī's* courts. Under section 7 the hon. member will observe that we are seeking to delete the words "in the coast districts within" and to substitute the word "within", so that the jurisdiction of *kadhī's* courts will only be restricted to the limits of the district within which they are established. Without this amendment *kadhī's* courts have jurisdiction in the coast districts only. They have jurisdiction over Mohammedan natives and other natives up to the figure set out in the section.

They have been exercising this jurisdiction for a very long period and, quite honestly, I can see no good reason for deferring this bill. It is urgently required. A large number of people are affected by it, they have asked for it themselves, and they have made representation to the Administration that at least one Mohammedan court should be set up so that they can have their affairs dealt with reasonably cheaply and expeditiously. I think it would be a very great pity if the Government agreed to defer this bill. If the hon. member wishes the matter to be gone into further and he will discuss it with me, I certainly will put the whole matter up to Government with the object of having it fully considered, but if we defer this matter these people will be left without any suitable court in which to seek relief for a considerable period. It is not proposed at the present time to establish such courts anywhere else except the Northern Frontier District. I personally on behalf of Government advise the Council not to hold this matter up. If we do a large number of persons will be adversely affected.

The question was put and carried.

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

SECOND READING

Mr. FOSTER SUTTON: Sir, I beg to move: That the Criminal Procedure Code (Amendment) Bill be read a second time.

This measure is supplementary to the measure which has already been dealt with by the Council. It seeks to amend section 10 of the Code which deals with the jurisdiction of *kadhī's* courts. It is not intended by the amendment effected by the other bill to confer criminal jurisdiction on *kadhī's* courts outside the Coast Province. In other words, before the other measure becomes law there is only one set of *kadhī's* courts, that is in the Coast Province, where they have the criminal jurisdiction. If we left the Criminal Procedure Code alone and other *kadhī's* courts are appointed elsewhere, they would have criminal jurisdiction in other provinces, and it is considered desirable to limit their jurisdiction in criminal matters to the coast districts where they have always exercised it. Clause 2 of this bill seeks to effect that.

The other amendment in clause 3 seeks to make an offence committed under section 317A of the Code cognizable to the police, so that they can arrest without a warrant. Hon. members will remember that early in this year we passed a measure inserting this new section in the Code to give military stores the same protection that was accorded Government and Railway stores. Those sections make the offence cognizable to the police, and unless the Code is amended as is proposed offences against army stores will not be cognizable.

Mr. Brown seconded.

The question was put and carried.

PENSIONS (INCREASE) (AMENDMENT) BILL

SECOND READING

Mr. TROUGHTON: Your Excellency, I beg to move: That the Pensions (Increase) (Amendment) Bill be read a second time.

Under the principal ordinance a person who is in receipt of a pension from a colony or colonies, and also of a service pension in respect of service in the armed forces, is subject to a hardship,

because in calculating the increase of his colonial pension his service pension is taken into account. It is considered that a service pension should properly be regarded as private means for this purpose, and it has been so accepted in the United Kingdom. Under this bill we would follow suit and come into line. I think that is fair and equitable.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

EXCISE DUTIES (AMENDMENT) BILL

SECOND READING

COMMISSIONER OF CUSTOMS (Mr. Northrop): Your Excellency, I beg to move: That the Excise Duties (Amendment) Bill be read a second time.

The proposals contained in the bill are designed to close a loophole in the principal ordinance. As the law exists it is possible for roughly prepared leaf tobacco which has not been manufactured by a licensed manufacturer, to be sold in the ordinary retail trade without payment of excise duty. This is most undesirable, as it is not fair to the manufacturer who pays duty, and it is liable to be detrimental to Government revenue. In order to rectify the matter the Uganda Government have enacted legislation to control the sale of leaf by the manufacturer and to confine the sale of unexcised tobacco to native markets. Similar measures are proposed in the bill before hon. members, and they are recommended for adoption in Kenya for purposes of uniformity and to discourage the development of trade in this nature in this country. The legislation, if enacted, will not interfere with the traditional right of the grower to make up his own tobacco and sell or smoke it without payment of duty, but it will be restricted to sales in the native market. Referring to the clauses of the bill, the proposed new 3h (1) provides for control of the leaf held by the manufacturer, and any surplus will, under this clause, only be allowed to be sold to another manufacturer, exported or destroyed. The second part deals a retail trader from selling unexcised tobacco. Clause 3 provides for the inclusion of penalties for any infringement of the proposed new provisions.

Mr. TROUGHTON seconded.

The question was put and carried.

PUBLIC HEALTH (AMENDMENT)  
BILL

## SECOND READING

ACTING DIRECTOR OF MEDICAL SERVICES (Dr. Lockhart): Your Excellency, I beg to move: That the Public Health (Amendment) Bill be read a second time.

The purpose of this bill is to correct a number of defects which have appeared in the application of the principal ordinance. They have been collected over a number of years and are here assembled to the one bill. There is little divergence from the original ordinance in any one of them.

Clause 2: Since the original ordinance was enacted there have been introduced the Manufacture, Preparation, Packing and Re-packing of Food Rules, under which it is more satisfactory that questions concerned with the manufacture of milk products should be dealt with than under the Dairy Rules, and in consequence the definition of dairy requires amendment to omit that part which deals with manufacturing processes. That is what clause 2 effects. Clause 3: Under the ordinance a doctor attending a case of infectious disease in which a patient dies is required to advise those around of the measures to take to prevent the spread of the disease. It is equally necessary that he should take the same measures in the case of the patient who does not die (laughter), and this clause places that responsibility upon him.

Clause 4 is perhaps rather more important. We have at present no power to quarantine cases of contacts of infectious diseases. We may only quarantine cases in which people are actually suffering from disease, but it is desirable where there is a moral certainty that a man has become infected that he should be quarantined during the period of incubation. Otherwise he will disappear from observation, and the next one hears of a new outbreak of disease in a quite unexpected place. What we ask, therefore, under this clause is that power should be given to quarantine people who have recently been exposed to infection and may be incubating any not-

ifiable disease. This section will not be used except in the case of formidable diseases, and it is intended for protection of the public against the spread of diseases.

Clause 5: The application of section 48 of the principal ordinance is entirely nullified in fact because the notice required to be given is specified "as is prescribed by rules". There have been no rules prescribed. (Laughter.) In consequence, notice cannot be given. It seems the simplest course to delete those words. Clause 6: Section 118 (1) which it proposes to amend applies to rat harbourage and as it reads now it says: "Any accumulation of stones, timber or building material". The word "building" unduly limits it. The word "building" means the things to which exception can be taken in the matter of harbourage of rats, and it is proposed to delete the word. Clause 7 corrects a misprint. Clause 8: The time has come when standards of food supplies produced in the country will have to be laid down, and this simply gives power to the Governor in Council to make rules in relation to food intended for sale or export and to establish standards in respect of those food supplies.

Clause 9: Under the existing ordinance, the immature stages of mosquitoes can only be found on premises by a medical officer of health in person before a conviction can be obtained, and action must be taken by him to destroy them. As it is the health inspector or European overseer working on control measures who deal mainly with that work, sections 142 and 143 should be amended, and clauses 9 and 10 are designed to give the necessary powers to persons authorized by the Director of Medical Services or medical officer of health to carry out that duty. Clause 11: At present private hospitals, infirmaries and nursing homes must be registered and those in charge must be licensed, but there is no authority for refusal or cancellation of licences. This clause is designed to permit the Central Board of Health to refuse licences or to cancel licences, and for the Governor in Council to make rules laying down the standards required for these institutions.

MR. THORNTON seconded.

MRS. WATKINS: Your Excellency, I have one or two points to make. Clause 11, inspection of nursing-homes, it reads a little bit indefinitely so far as concerns those places where children are kept. For a good many years now we have had places which have taken children in for money, and they have not been open to inspection. This might read as if it is only for nursing homes for convalescents and so forth. Actually I should like it a little more clear and include homes where young children are accepted for fees. One or two have not been at all satisfactory, and whether we shall have to wait for a children's charter to come into being I do not know, and it is a point I should like to ask.

The other point is in clause 2. I do not see that any farm house supplying milk ought to be under inspection by the Municipality. I welcome the municipal inspectors because they are friends of mine, but I should not imagine that I want to be inspected all the time and have my house inspected any more than anybody else's because I happen to be a registered dairy. If necessary, have all our houses inspected, not mine only. The other thing I should like to say to the hon. Director is that I am awfully glad he is trying to button up all these things concerning infectious diseases, but I wonder if he knows the enormous gap still there. The other day I had a case of leprosy and was recommended to send it to the hospital in Maseno in Kavirondo, travelling in a crowded train third class. It did not seem to me to be altogether the best way of dealing with a case of leprosy. I may be wrong, it may not be an infectious disease, but I have always understood from my early days when I was taught about the Bible that leprosy was rather infectious. I would also like to put before the hon. member this point. People on the fringes of the town are just as likely to get infectious diseases as those living in the town, and we ought to be given the same help as those people. I do not know whether that is possible. I refer to the matter of rats—plague, etc.

DR. LOCKHART: Your Excellency, the hon. Member for Kiamba raised the question of children's homes. This is a Public Health Ordinance and deals primarily with sick people, and my hon.

friend the Attorney General agrees that the question of children's homes—the type to which I think the hon. member is referring—should be left to children's legislation. As regards the other point she raised she will, I am afraid, so long as she has a registered dairy, continue to be subjected to inspection, but it will be only in the matter of milk production. (Laughter.)

On the matter of transporting infectious diseases cases, this is one which presents considerable difficulty. Leprosy is not one of the more serious infectious diseases, and the leprosy to which she alluded in the Bible is not the leprosy to which her case referred. But still it has its difficulties on many occasions, and we have had trouble in transporting infectious cases about. In the matter of smallpox cases at the dispensary, of course it is not known that people suffer from smallpox until they go to the dispensary and are examined, and I do not see how that difficulty can be got over. The nurse at the dispensary has authority to divert cases to whatever place may be suitable. Infectious diseases cases are usually treated in the towns, because naturally the facilities there are better than in the country, but they will be extended to the country in time.

The question was put and carried.

## ADJOURNMENT

HIS EXCELLENCY: I think this would be an appropriate point at which to adjourn Council, but before doing so I would mention that His Excellency the Governor, as I mentioned yesterday, has informed me that he expects to be back in Kenya towards the end of the first week of the budget debate. In order to give him a few days clear after his return before proceeding with the second half of the budget debate, my present intention is, with the agreement of hon. members, to adjourn Council from Friday, the 16th November, at the end of the first half of the budget debate, until Monday, the 26th November. I will confirm that arrangement as soon as I am in possession of more definite information as regards His Excellency's movements.

Council adjourned till 10 a.m. on Thursday, 8th November, 1945.

**Thursday, 8th November, 1945**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 8th November, 1945. 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 7th November, 1945, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. TROUGHTON:

Standing Finance Committee report on Schedule of Additional Provision No. 2 of 1945.

By MR. MORTIMER:

Lands and Settlement Department Annual Report for 1944.

#### SESSIONAL PAPER No. 4 OF 1945

##### SELECT COMMITTEE REPORT

MR. TROUGHTON: Your Excellency, I beg to move: That the select committee report on Sessional Paper No. 4 of 1945 be adopted.

I do not think that there is any need for me to say very much in amplification of the report. The select committee substantially recommend acceptance of the proposals in the report of the main committee, and all that we have done really is to dot the i's and cross the t's in one or two particulars. In the first place, the original report of the Hospital Committee may have given the impression that they envisaged that the contributions levied by way of additions to taxes might be varied by the Hospital Authority. The view of the select committee was that the Council must be the final arbiter as to the amount of contributions to be paid by the public. We therefore recommended that the rates of contribution proposed should be incorporated in the legislation and that no variation of those rates should be made without the consent of this Council.

Secondly, the Hospital Fees Committee Report recommended flat rates of

contribution to be paid by the various classes of taxpayer, together with a contribution based on income tax. The best method of raising funds from the public on a matter of this sort is one on which there is room for many shades of opinion, and the select committee felt that experience might well show that the method proposed was not necessarily the best one, so we recommended that it should be adopted in the first instance, but that it should be subject to review at any time after two years in the light of experience gained.

I should like to draw attention to the three points made in paragraph 6 of the report. In the first place we recommend that the legislation should provide that an individual should be liable to pay his contribution to the fund assessed on his income only when he is resident in the Colony. I am not qualified to enter into a discussion on the matter of residence or domicile; that is a matter for my hon. friend on my left (Mr. Foster Sutton), but all that the clause was intended to mean was that if a person was liable to pay Kenya income tax on grounds of residence he should be liable to pay this contribution.

The second point is that a number of employees, both of Government and private employers, may be entitled to free or subsidized hospital facilities under the terms of their engagement. As citizens of the country and as taxpayers these people will have to make their contribution to the hospitals fund if the legislation comes into force, or their employers will have to make them on their behalf, but it may be that under the proposals some of these people may be liable to pay more for treatment in hospitals than their terms of service or terms of engagement warrant, and in that case some payment would have to be made to the hospital authorities by the employer.

Finally, it might be that owing to an epidemic accommodation in the various hospitals and nursing homes was full, and a person who had made his contribution might not be able to get accommodation and might have to undergo the expense of private nursing in his own home. In that case the select committee felt that the hospital authority should

[Mr. Troughton] make some appropriate payment towards the cost.

I do not propose to go further into details this morning. Draft legislation is being prepared and will include some of the detailed arrangements necessary, and I think it would be better and probably conform with the wishes of hon. members if the details of the whole scheme were left over for discussion when that draft legislation is introduced and when the bill is referred to a select committee, as I have no doubt it will be.

I do not think there is anything further that it is necessary for me to say on this resolution this morning. It is really of a formal character in view of the fact that legislation is impending.

MR. FOSTER SUTTON seconded.

MR. NICOL: Your Excellency, I think that my hon. friend the mover is quite correct in saying that it is perhaps better to postpone any real debate until the legislation is introduced, but I do think it is necessary to say that we did hear evidence to the effect that there were objections to this form of raising funds, and all I want to say here and now is that the public have demanded this form of special service and if they demand these things they have got to pay for them. We have recommended, as my hon. friend said, that it should be based on income and we are going to try that out for two years. If we can think of something better in the meantime no doubt we will be able to introduce it. All these things cost money; the money has got to be raised, and if people want them they have got to be prepared to pay for them. I support the motion.

MR. PATEL (Eastern Area): Your Excellency, I do not propose to offer any comments to-day for two reasons: I said all that I wanted to say when Sessional Paper No. 4 was referred to select committee and I understand that there will be further opportunity to offer my comments when the bill is introduced. However, I should like to say one thing and that is, that while it is very satisfactory that hospital facilities for the European community should be improved at the present time, I should like to commend Government about the usual charge which I have to make from this side

about the slow progress made in respect of other communities. That charge has not yet been replied to by the Government, and I think that Government is not only neglecting the requirements of other communities, but is adding to the division which already exists between the different communities in this country.

The question was put and carried.

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

##### SECOND READING

COMMISSIONER FOR LOCAL GOVERNMENT AND LANDS (Mr. Mortimer): Your Excellency, I beg to move: That the Local Government (Municipalities) (Amendment) Bill be read a second time.

This bill deals with one rather important matter and a few small amendments to the Local Government (Municipalities) Ordinance, the necessity for which has only recently come to light. It is to remedy some small defects that have been revealed in the Ordinance. All these proposals have emanated from the Nairobi Municipal Council. If enacted, they will, of course, apply to all municipalities where they wish to apply them.

Clause 2 of the bill deals with the power of the municipalities to grant additional gratuities where there is a provident or pension or benevolent fund. The law at present allows the municipal authority to grant additional benefits where it is considered that the amount to be derived from the provident fund by a retiring officer would be too small, but the consent of the Governor has to be obtained in every such case. The present law, however, limits any such additional gratuity to officers who have been in the employment of the local authority for a period exceeding five years before the commencement of the provident fund. The Municipal Council of Nairobi wishes to follow the Government practice of including the whole of an officer's past service in the provident fund benefits, even before the provident fund was in existence. The Standing Committee for the Local Government has recommended for adoption of this provision, and there seems no reason why the Nairobi

[Mr. Mortimer]

Municipal Council should not, if it wishes, be allowed to follow Government practice. The effect of the amendment will be that all officers of the Council, whether European or Asian, who were employed by the Council before the provident fund was established will be entitled with the approval of the Governor to an additional gratuity equivalent to their years of service.

Clause 3 remedies the provisions about private water supplies. The law as it now stands allows a municipal authority which provides a public water supply to permit a private landowner to supply water either for his own premises or for other people, on conditions to be laid down, but there is a second proviso in section 54 of the Ordinance which says: "Provided, further, that nothing in this section shall prohibit the owner or occupier of any premises from constructing thereon any works for the supply of water to such premises." There is nothing there said about the quality of the water or about the public health conditions that need to be imposed, and it leaves the private owner entirely free to supply water, with or without the consent of the Municipal authority, to his own premises. There is no desire on the part of the municipal authority to prevent private owners from supplying water to their own premises if they can provide a potable and adequate supply, but it is desired that that supply should be brought under the control of the authority and that it should be subject to their permission. Therefore it is proposed to delete that second proviso from the law, thus leaving the local authority unrestricted power to grant or refuse permission as circumstances may warrant.

Clause 4 purports to make a few amendments in the by-law-making powers of municipal authorities. It has been discovered that whilst under subsection 6 (a) of section 69 the local authority has a wide variety of powers in regard to the protection of the public from impure or decayed foodstuffs, it has no power to enact by-laws with the object of preventing the contamination of food and drink intended for sale, and this new sub-section (c) will have the effect of giving the municipal authorities power to make by-laws for preventing

the contamination of any food or drink.

Sub-sections (b) and (c) of clause 4 deal with peddling and hawking and street trading. The municipal authority has power to licence and to regulate these activities, but it has no power to prohibit them in areas where it is desired that they should be prohibited, so additional powers are proposed to give the authority power to prohibit in certain areas where it so desires the exercise of those particular traffics. Sub-section (c) will give the municipal councils authority to enact by-laws controlling the proper use of public sanitary conveniences. Sub-section (d) will give additional powers to the municipal council with regard to roads, both old and new, to regulate the level, drainage and construction of new streets; powers which the municipal authorities have not hitherto had but which it is necessary that they should have. They are all very simple amendments which will add to the effectiveness of the local authorities.

MR. FOSTER SUTTON seconded.

MR. SHAMSUD DEEN: (Central Area): Your Excellency, as a member of the Standing Committee for Local Government, I wished to second this motion, but I find that some other hon. member from the official benches has done so as I was not quick enough to do it. However, I very heartily support this bill, and the only comment I have to make is to ask whether it is possible to add another clause to the bill and thus save time and also a lot of labour that will be involved if this bill has to go to various committees and through various stages again. I am not sure whether it is possible to do this, because there is certain procedure laid down, but the one regulation which I should like to have added to rules of this nature is one that brooks no delay, and that is with regard to the habit of people in the town of Nairobi, especially in the market, of indiscriminately throwing about banana skins. As a matter of fact, I have personally been a victim of this sort of habit and I know that there has been more than one death in this place and a few very serious accidents caused by people slipping over banana skins (laughter), especially in the market where there is a centent floor and where children and other irresponsible people throw banana skins about indiscriminately. I only mention this for

[Mr. Shamsud-Deen]

the consideration of a select committee if one is appointed. It is a very serious matter, Your Excellency, I submit, and should not be taken lightly. I see that there is no protection whatsoever for a man who breaks his skull or breaks his limbs on banana skins. (Laughter.)

ARCHDEACON BEECHER: Your Excellency, the hon. member in introducing this bill made reference to the fact that the provident fund provisions which were envisaged applied to European and Asian personnel; and I know that I shall be told that reference to African personnel was made in reply to a question of mine yesterday. Unfortunately, one has too little opportunity of speaking, except by way of a supplementary question, after a question has been answered, but I should like to take this opportunity of thanking Government for the answer they gave to my question about a provident fund for local Government employees, and to ask that Government should take the earliest opportunity of introducing the necessary bill into this Council. It is now very long overdue, and considerable difficulties will arise if that delay is further increased.

MR. MORTIMER: Your Excellency, referring first to the hon. member Archdeacon Beecher's statement, I would point out that white Africans are not at present members of the provident fund of the Nairobi Municipal Council there is provision in the law for the granting of gratuities in cases where the provident fund does not apply, and there have been many cases where Africans of long service with municipal authorities have been, with the consent of His Excellency, granted gratuities on their retirement.

With reference to the hon. member Mr. Shamsud Deen's remarks, I can entirely sympathize with him in his desire to prevent people from throwing banana skins about indiscriminately, but I would point out to him that there is very adequate provision in the law, as it now stands. Under section 69 (3) (b), the municipal authority has power to enact by-laws "for keeping public places clean and free from filth, rubbish or refuse, and for prohibiting the throwing, dropping or depositing of any filth, rubbish, glass, tins, paper, dead animals"—(laughter)—"waste or flushing water" or other refuse, liquid

or solid, on or in any road, street, bridge, thoroughfare, open space, stream, or watercourse, and for preventing any such liquid from flowing into any such place, and for regulating or prohibiting the bathing or washing of persons, animals or things in any such place." I think that the power is adequate; what is wanted is not more law, but better enforcement of the law that we have. (Hear, hear.)

MR. SHAMSUD DEEN: On a point of explanation, I did inquire from the Town Clerk and he said that there was nothing to stop a habit of this kind, and he suggested that we should form what might be called a "Banana Brigade." (Laughter.)

HIS EXCELLENCY: I am sure, if that brigade is formed, that they will keep in mind the name of the hon. member as Commandant!

The question was put and carried.

## CROWN LANDS (AMENDMENT) BILL

### SECOND READING

MR. MORTIMER: Your Excellency, I beg to move: That the Crown Lands (Amendment) Bill be read a second time.

This bill arises out of the recommendations of the Land Tenure Committee, and the subsequent correspondence with the Secretary of State on that important subject. Very comprehensive debates took place in this Council Chamber in 1942 and again in 1943 on this subject and, of this course, is no time to discuss the merits or demerits of the revisable rent system to which this bill refers. In the correspondence with the Secretary of State, His Excellency the Governor, while expressing general sympathy with the views of the Land Tenure Committee that the revisable rent system was laid down by the laws of this colony was not down by the laws of this colony was not an appropriate revision and might well be abandoned; suggested that if the Secretary of State and his advisers were too preoccupied with the war and matters arising from it to give the attention to this subject which it required, legislation might be passed postponing its first revision date, which occurs in 1945, for five years. The Secretary of State in his reply, in paragraph 17 of his despatch, expressed his agreement with that policy in order to give everybody longer time



[Mr. Mortimer] to think over the whole subject and to arrive at just and satisfactory conclusions.

If in pursuance of that agreement, the intention to bring in this bill having already been publicly announced, that the bill is now brought forward. As hon. members are aware, the law requires that in 1945 there shall be an investigation into the unimproved value of all land held under the Crown Lands Ordinance, 1915, and that in 1946 a revised rental shall take effect and last 30 years, from 1946 to 1975, based on that unimproved value found by the investigation. It must be perfectly clear to hon. members that this would be an extremely inappropriate time to institute such an investigation, and there is certainly no staff to spare to do it.

There has been a good deal of correspondence with the Secretary of State since the last debate on this subject in 1943, and particularly with the object of trying to discover whether there was anywhere in the world a country with a law similar to ours providing for a revisable rent on our system. So far we have been unable to discover any such law anywhere else in the world. We wanted to find out, if there was such a law, how it was operated and whether the parties concerned were entirely satisfied with it. Now that the war is over and the immediate preoccupations of the war have passed, we are able to give more attention to this subject, and I can assure hon. members that it will again be taken up with a view to reaching what we may regard, I hope, as a final settlement of this question one way or the other.

In the meantime, it is important that we revise the law to cover the interim period, and it is felt that five years should be adequate. In which case this question very fully threshed out. So the simple procedure of this bill has been proposed whereby the period for the revision shall be pushed forward for five years. It is clear that there will be some landowners who hold their leases under the Crown Lands Ordinance, 1915, who will feel that they will suffer an injustice by that postponement as they had hoped to benefit by the revision in 1946. Provision is made in the bill for any such person to come forward with

his claim to the Commissioner of Lands, that claim will be carefully examined, and I can say, although it is not in the bill, that the Commissioner of Lands will in practice refer every such application to that very fair and very painstaking body, the Land Board, for its consideration and advice; furthermore, before any revisions of rent are allowed, they will be referred to the financial advisers of Government for final authority in order to make quite sure of their effect on the budgetary position. The Commissioner of Lands will then give to the applicant his decision on the advice which he has taken as to the rightness or wrongness of the claim. If the applicant is then dissatisfied there is power in the bill for submission to arbitration, each party to appoint an arbitrator and the two arbitrators between them to appoint an umpire if that should be necessary. If they fail to agree on an umpire, the bill provides that a judge of the Supreme Court shall appoint an umpire, whose decision shall be final. That, I think, is as fair and just a provision as we could make to ensure that no one suffers hardship unnecessarily by the enactment of this measure. In practice it will mean that only people who are prepared to come forward with adequate proof that the unimproved value of their land is less than Sh. 20 an acre will have any ground for appeal.

The cost of the enactment of this measure cannot possibly be stated. It is not believed that the cost will be high, because there are large blocks of farms in the country to-day where the statutory rent is 20 cents per acre but where as a concession the lessees have been allowed to pay much smaller sums—5 cents, 7½ cents, and 10 cents per acre for a long period of years. Quite probably some of these rentals will be allowed to stand and some may be increased. It is also probable that some individual farmers outside these block areas will be able to prove that they have a case for revision before this five-year period, and I think as against the aggregate loss of revenue as against the revenue to-day will be comparatively small. But that remains to be seen when the bill comes into operation.

Mr. TROUGHTON seconded.

The question was put and carried.

## DEPUTY PROVINCIAL COMMISSIONERS BILL

### SECOND READING

Mr. FOSTER SUTTON: Sir, I beg to move: That the Deputy Provincial Commissioners Bill be read a second time.

The bill merely seeks to enable the Governor to appoint Deputy Provincial Commissioners and assign them to duty in any province in the colony and, subject to any special or general directions, the Governor or Provincial Commissioner of the Province may give, the bill seeks to confer on deputy provincial commissioners so appointed all the powers of a provincial commissioner. That, shortly, is the object of this bill.

Mr. BROWN seconded.

Mr. COULDBREY (Nyanza): Your Excellency, I rise to oppose the further passage of this bill at this stage. Although it does not exactly say so in the "Aims and Objects," this presumably is an endeavour to do a thing for which we have pressed for many years: to decentralize the Government. And I may say that I myself have pressed that for many years, and I think this is a very good measure. In order to do that it also gives a provincial commissioner what you might call a "right-hand man" by the creation of a deputy provincial commissioner. Again I think that is a good thing. But when you talk about decentralization you generally believe that, if you are going to decentralize, you are going to decrease the staff at headquarters and increase the staff where the decentralization should take place. The hon. mover has stated there was to be the creation of these deputy provincial commissioners, but he gave no indication at all whether there is going to be a corresponding decrease in the central establishment. (Laughter.)

There is another point. The bill says it is not possible at the present time to state what the financial implications may be. I do not know why this bill is being introduced at a time when the hon. Acting Financial Secretary is very busy with the budget. But it seems to me you are asking a lot of this Council to adopt a bill at this juncture when you tell us you do not know at the moment what the financial implications will be. What

I say at this juncture is that in a short time we shall be discussing the whole question of the budget. I do not want to precipitate an argument on the budget, and you would not allow me, sir, to get away with it if I tried, but as finance is mentioned I think it only fair to point out that in ten days' time we shall discuss the budget, a budget with a greater expenditure than this country has ever faced up to before, and I say that this is not the time when we should agree just formally to any provision which is going to mean current expenditure, although the Government itself does not know the extent. I believe that in a very short time you will refer the budget to the Standing Finance Committee of this Council; I believe that it will be so, as everybody else does. It seems to me that it is the time when the financial implications of this bill can be gone into, and I therefore suggest that the right thing to do is to postpone the further passage of this bill, to withdraw it, not to let it go to its second reading, and to reintroduce it when the committee on the budget has made its report.

Another point I should like to make is the question of creating deputy provincial commissioners itself: that is, creating new offices with rather high-sounding titles. Some time ago Sir Alan Plim, when he reported on his investigations in Zanzibar, pointed out the great dangers of making titles because it meant high-sounding salaries. A short time ago I was away from the colony, and although I do not believe it was cause and effect but the Chief Secretary and Deputy Chief Secretary during that time got new titles with, of course, increased salaries. I am not quibbling about that, but there is a great need to stress this for a minute, because of what is contained in the financial implications of these titles. It seems to me that this colony is in great danger of getting a very large quantity of highly paid gentlemen with high-sounding titles, so much so that they will between them absorb so much of the money of the colony that there will be very little left for those people doing the hoeing of wood, and drawing of water. (Hear, hear.) In other words, I submit that so much money will be spent on planning for things that mighty little will be left to carry out those plans when formed.

(Mr. Coudrey)

I would therefore ask you, sir, seeing that the whole question of the finances of the colony is coming up for review shortly, whether you will not consider withdrawing the second reading of this bill to a later stage of the session, after the Standing Finance Committee have been able to do what Government find it impossible to do, find what the financial implications of this bill are.

MR. TROUGHTON: I had not intended to intervene in this debate, but in view of the observations of the hon. member I must say a word or two. First of all, the creation of the post of deputy provincial commissioner was approved in principle earlier in the year by the Standing Finance Committee. In point of fact, there is an element of saving about this, because we propose to get rid of five highly paid gentlemen, senior district commissioners, who draw £1,200 a year each, and substitute five deputy provincial commissioners at £1,100 a year, saving £100 per head per annum! That is the first effect of this. There have already been two or three people gazetted as deputy provincial commissioners, and personally I think it is only right they should have the necessary powers. The financial implications were gone into at that time and personally I am satisfied that no appreciable expenditure of public money will be involved—in fact, there will be a saving.

MR. NICOT: Your Excellency, I want to support what my hon. friend on my left (Mr. Coudrey) has said. I agree with the hon. Acting Financial Secretary that the creation of these posts was approved earlier in the year in principle by the Standing Finance Committee, but I must say that I do not like the last paragraph in the "Objects and Reasons": "It is not possible, at the present time, to say what expenditure of public moneys will be involved if the provisions of this bill become law." The hon. Acting Financial Secretary has just told us that there is going to be a bit of saving. I should like to see that down in black and white. Also, this was dated 5th October, and I believe the budget was in draft at that date, because if you look at page 32 of the Draft Estimates you will see that provision is made for three deputy provincial commissioners at £1,100 a year each. Well, that is salary,

and there is the implication of pensions and all that sort of thing, and I think Government could have estimated what it was going to cost the colony. Therefore, until we can see what the financial effect is I should like this bill withdrawn in the meantime and introduced at a later date.

MR. FOSTER SUTTON: Sir, I do not know if it would meet the wish of Council if the second reading of this bill was actually put through and we deferred referring it to the committee of the whole Council, which will have the effect of holding it up so that it cannot become law yet; the further stages would be deferred until after the budget debate. If the position is as the hon. Acting Financial Secretary says, I think it will save a number of members a certain amount of time and breath if we had reasons to be able to state so in the "Objects and Reasons."

HIS EXCELLENCY: I think it may probably assist Council if the expedient suggested by the hon. Attorney General were adopted; that is to say, the bill passes its second reading to-day but does not go to the committee stage until after the Draft Estimates have been considered by Council. If that is the general feeling I will put the question that the bill be read a second time.

The question was put and carried.

#### BILLS IN COMMITTEE

MR. FOSTER SUTTON: Before moving that Council do resolve itself into committee of the whole Council to consider the bills, I will ask leave of the Council to defer proceeding with the Courts (Amendment) Bill and the Criminal Procedure Code (Amendment) Bill, because I understand that certain representations have been made to you about them which it is desired to consider before proceeding further.

MR. FOSTER SUTTON moved: That Council do resolve itself into committee of the whole Council to consider, clause by clause, the following bills: The Supplementary Appropriation (1944) Bill, the Pensions (Increase) (Amendment) Bill, the Excise Duties (Amendment) Bill, the Public Health (Amendment) Bill, the Local Government (Municipal-

(Mr. Foster Sutton)  
ties) (Amendment No. 2) Bill, and the Crown Lands (Amendment) Bill.

MR. BROWN seconded.

The question was put and carried.

Council went into committee.

#### Excise Duties (Amendment) Bill

##### Clause 2

The Hon. Commissioner for Local Government and Lands moved that the clause be amended by the deletion of the word "it" in the eighth line. The question was put and carried. The question of the clause as amended was put and carried.

MR. FOSTER SUTTON moved that the Excise Duties (Amendment) Bill be reported to Council with amendment, and the remainder without amendment.

MR. BROWN seconded.

The question was put and carried.

Council resumed, and His Excellency reported accordingly.

#### THIRD READINGS

MR. FOSTER SUTTON moved: That the Supplementary Appropriation (1944) Bill, the Pensions (Increase) (Amendment) Bill, the Public Health (Amendment) Bill, the Local Government (Municipalities) (Amendment No. 2) Bill, the Excise Duties (Amendment) Bill, and the Crown Lands (Amendment) Bill be read the third time and passed.

MR. BROWN seconded.

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

#### ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 13th November, 1945.

Tuesday, 13th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 13th November, 1945. 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 8th November, 1945, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. SURRIDGEO:

Sessional Paper No. 6 of 1945: Proposals for the Reorganization of Local Government, Health Services and the Departments of Lands and Mines

By MR. TROUGHTON:

Schedule of Additional Provision No. 3 of 1945.

ORAL ANSWERS TO QUESTIONS  
No. 112—STOCKFEED CONTROL

MR. PRATTAM:

(a) Is it a fact that the Stockfeed Control right from the date of its inception has been trading in stockfeed; if so, will Government please state the quantity of each kind of stockfeed purchased up to 31st August, 1945, and the quantity sold and the proceeds realised, stating the balance in hand on the last day of August, 1945?

(b) Under what head were the sale proceeds credited?

(c) As the emergency under which the Control was instituted has now ceased to exist, will Government please consider the desirability of abolishing the Control forthwith so that merchants who were arbitrarily eliminated from the stockfeed distribution trade can take their rightful place?

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (Major Cavendish-Bentley): (a) The Stockfeed Control did not begin trading on its own account as from the date of its inception in October, 1942, but organized the distribution of stockfeed through agents. Trading by the Control began in March, 1943, when it was found necessary to hold reserve stocks in order to meet the unprecedented

[Major Cavendish-Bentley] demand for stockfeed, and to guard against the threat of the destruction of grazing by locusts. These reserve stocks were disposed of through the agents, as necessary for turning over and distribution arose.

From March, 1943, to 31st August, 1945, the Control itself, as distinct from its agents, has handled approximately the following quantities:—

**Cottonseed**—6,700 tons, of which some 3,000 tons were sold prior to 1st September, 1944, at Sh. 61/50 per ton, 1,000 tons were sold 1st September, 1944, and 31st August, 1945, at Sh. 71/50 per ton, and the balance of 2,651 tons were in store at 31st August, 1945.

**Oil Cakes**—5,400 tons, of which some 3,200 tons were sold at Sh. 86/10 per ton prior to 1st September, 1944; 580 tons were sold at Sh. 101/10 per ton between 1st September, 1944, and 31st August, 1945, and the balance of 1,610 tons were in store at 31st August, 1945.

**Pig and Poultry Food**—540 odd tons of pig food were manufactured and sold at Sh. 170/- per ton, and some 300 tons of poultry food at Sh. 202/50 per ton.

There were also 120 tons of mixed food such as rejected asho, rejected maize, manioc and miama which were sold at varying prices around Sh. 100/- per ton.

In 1943 by arrangement with the Produce Control 2,500 tons of miama were distributed as pig and cattle food at cost.

(b) The proceeds of these sales have been credited to the Stockfeed Advance Account.

(c) The emergency which necessitated the institution of control has by no means ceased to exist and it is the opinion of Government, supported by the Production Board, the Stockowners' Association, the Kenya Farmers' Association and the Kenya Co-operative Creameries, that Stockfeed Control has to be maintained in order that adequate supplies of cottonseed and oil-cake may be purchased at reasonable prices and distributed fairly to safeguard the live stock industry on which East Africa, the military authorities and certain other markets depend for supplies. Arrangements have been made to include in stockfeed distribution any merchants who formerly took part in this trade.

## No. 119—CHIEF MUMIA

ARCHDEACON BEECHER:

1. Will Government please arrange to publish the full text of the treaty made in the name of the Foreign Office with Chief Mumia?

2. Will Government please state its intentions regarding the appointment of a new holder of the office of Nabongo in the area over which Chief Mumia ruled?

CHIEF NATIVE COMMISSIONER (Mr. Marchant): This Government has no copy of the alleged treaty but is prepared to ask the Secretary of State for the Colonies for a copy of it if the hon. member would supply a copy of the document presumed to be in the possession of Chief Mumia. When both documents have been received the Government will go into the question of publication.

2. With regard to the second part of the question, while the Government is mindful of the long and loyal service of Chief Mumia, it is not the policy of Government to introduce monarchical rule into North and Central Kavirondo, nor has Government ever given official recognition to the office of Nabongo. Moreover, Mumia holds the office of chief and only a section of the people of his area give him the courtesy title of Nabongo on account of his great age and distinguished service.

So far as the Government is aware, the position of Nabongo is hereditary and is at the present vacant owing to a minority in the line of succession, but it is not of a nature that can be suitably incorporated into the present and proposed organization of African local government in the area concerned, although as announced in the communication from the chair it is proposed to make the fullest use of indigenous systems which may exist in the administration of land.

## No. 121—WATER SUPPLIES

MR. MATHU:

1. Will Government please state what progress, if any, has been made in providing water for the Rabai people?

2. Is Government aware of the increasing shortage of water supply in the various parts of the Kitui district, and will Government please take im-

[Mr. Mathu] mediate action to supply water for the Kitui Akamba either by boreholes or by some other means or by both methods?

DIRECTOR OF PUBLIC WORKS (Mr. Boyd): (a) A sum of £2,120 has been made available this year for drilling the necessary boreholes for the Mazeras-Mariakani-Rabai water supply. Sites have been selected and a contract for drilling has been let but drilling plant is not immediately available. I would invite the hon. member's attention to head 13, item 15, in the Draft Estimates of the Development and Reconstruction Authority where provision has been made for the full scheme to be put into effect.

(b) The answer to the first part of the second question is in the affirmative. Owing to lack of staff it has not proved possible to carry out the necessary investigational work. Moreover, drilling plant cannot be made available at present.

## No. 124—INCOME TAX RELIEF

ARCHDEACON BEECHER:

Will Government please consider the amendment of the ordinance in order to provide relief from income tax in respect of covenanted contributions made to approved charitable institutions made by the taxpayer, as is done in the Income Tax legislation of Great Britain? If so, how soon may this facility be expected to be granted? If Government is unable to grant this facility, will Government please state the reasons.

MR. TROUGHTON: The answer is in the negative. The effect of such an amendment would be that part of the contributions would be borne by the general revenue of the Colony. Grants from general revenue are already made to charitable organizations when considered necessary.

## No. 126—LOCAL NATIVE COUNCILS REVENUE AND EXPENDITURE

ARCHDEACON BEECHER:

In order that the comparative table of revenue and expenditure of Local Native Councils, 1944, may be of value to members of this Council, will Government please undertake its redrafting in order to show the following

additional information: (a) surplus balances at the end of 1943, (b) total revenue, (c) total expenditure?

MR. MARCHANT: As the amount of work involved in re-printing the comparative table of revenue and expenditure of Local Native Councils for the year 1944 is very considerable, and as Government Press is already overloaded, it is regretted that it is not practicable to comply with the request of the hon. member.

In respect of 1945 and future years, the comparative table of Revenue and expenditure of Local Native Councils will supply the additional information the hon. member desires.

ARCHDEACON BEECHER: Arising out of that reply, in view of the importance of this question of Local Native Council finances, will it be possible for a cyclo-styled or typed copy as requested in this question to be provided for this Council instead of a printed one?

MR. MARCHANT: A cyclostyled copy could be supplied to members of this Council.

## PENSIONS (INCREASE) ORDINANCE, 1945.

CONTINUATION OF

MR. TROUGHTON: Your Excellency, I beg to move that the Pensions (Increase) Ordinance, 1945, be declared to remain in force until the 31st day of December, 1946.

This ordinance provides for a temporary increase in pensions on account of the increased cost of living. Under the last section of the ordinance, it expires on the 31st December, 1945, unless renewed by resolution of this Council. The conditions under which the ordinance was originally passed still remain with us, and the ordinance should obviously be perpetuated for another year.

MR. MARCHANT seconded.

The question was put and carried.

## SCHEDULE OF ADDITIONAL PROVISION

No. 2 of 1945

MR. TROUGHTON: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 2 of 1945 be adopted.

[Mr. Troughton]

The committee examined the various items on the schedule and recommended approval.

Mr. MARCHANT seconded.

The question was put and carried.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

##### REFERENCE TO STANDING FINANCE COMMITTEE

Mr. TROUGHTON: Your Excellency, I beg to move: That the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946 and the Draft Schedule of Loan Expenditure be referred to the Standing Finance Committee.

I propose to begin this morning with a resumé of the general position of the Colony's finances; then to refer to the policy followed in framing the Estimates; then to say something concerning the details of the Estimates, and finally, to deal with the Estimates of the Development and Reconstruction Authority. I do not propose to worry hon. members with a lot of figures, but I am afraid that it will be necessary for me to mention them in order to make my meaning clear.

The out-turn of the year 1944 was satisfactory, and at the end the Colony's accumulated surplus balance came to something over one and a half millions—£1,680,000 to be exact—despite the fact that during that year we had made very heavy provision indeed for the subsidization to the consumer of imported foodstuffs, we made very heavy provision for famine relief and we provided a sum of £100,000 as capital for the industries operated by the Industrial Management Board. That was the position at the end of 1944.

The 1945 Draft Estimates provided for a small surplus of revenue over expenditure, after allowing for the appropriation of £100,000 from the Wartime Contingency Fund, for the purpose of meeting expenditure on the demobilization and reabsorption of Service personnel—preliminary expenditure. The position has recently been reviewed, and although considerable supplementary provision has been made by way of special warrants we now expect a surplus of £150,000, without taking into account any reimbursement from the Wartime Contingency Fund. Estimating is a matter of

great difficulty in these days, and I should not be surprised to see that figure of £150,000 a bit wide of the mark. All I can say is that revenue returns have been fully examined, expenditure votes have been fully reviewed and, after making all due allowance for probable savings, that figure of £150,000 represents the closest estimate that I can give to hon. members this morning. If that figure is correct the accumulated surplus at the end of 1945 should amount to something approaching three millions—or £1,830,000 to be exact. Revenue is running materially ahead of the estimate and expenditure remains within due bounds, not, sir, because funds have not been voted but because in many cases it has not been possible, owing to lack of staff, labour and materials, to incur the expenditure for which provision has in fact been made. Thus the Colony approaches the year 1946 with substantial reserves, but with substantial commitments.

Turning now to the policy followed in connexion with the preparation of the 1946 Estimates, the Government has regarded it as of paramount importance to maintain a reasonable balance between revenue and expenditure. I can assure hon. members that there would have been nothing easier than to have provided for a large deficit, but such a policy would, I submit, have been thoroughly unsound. The main object of our reserves must in the first place be to assist in the financing of a programme of development and reconstruction which will enhance the Colony's national income and lead to the greater prosperity and happiness of the peoples who reside in it.

The second object must be to assist in maintaining productive, administrative and social services when the time comes, as come it surely will, when we will be faced with a revenue shortfall owing to a period of temporary depression. Those are the main uses to which I submit our reserves should be applied. It would be the height of folly to utilize those reserves now for the purpose of financing recurrent expenditure on social and administrative services, and then, when the pinch begins, to be forced to embark on a programme of drastic retrenchment. (Hear, hear.) We had such a programme then or two years ago, as many hon. members here present will remember, and years elapsed before we made a proper recovery.

[Mr. Troughton]

The first point then to be borne in mind by Your Excellency's advisers in framing these Estimates was to ensure that expenditure fell approximately within the amount of revenue available to meet it. The second point was to maintain a reasonably efficient system of administration, with reasonably adequate provision for the maintenance of law and order. This Council has debated and approved schemes for the reorganization of those departments dealing with agriculture, animal husbandry and natural resources. A reorganization of the Local government set-up is proposed. Additional staff is required for the Provincial Administration in the field who will have to assume even heavier burdens during the next few years than they had to assume during the war. And last but by no means least, a considerable expansion in the Police Force has been necessary to provide for the maintenance of law and order, chiefly in urban and settled areas. Thirdly, the Government has sought to provide as much as possible for what I would call productive services. By productive services I mean agriculture, forestry, animal husbandry and mines. Last, we have got certain inescapable commitments—an increase in the pensions vote, an increase in the public debt vote on account of the raising of a local loan, and last but by no means least, increased provision for education, which I regard as commitments and concerning which I shall have much more to say later on.

I know quite well that the expenditure estimates will be subjected to heavy criticism—quite rightly—but I am not here to apologize for them. I can assure hon. members that it is not easy in these days to strike a balance between a natural desire to avoid further increases in our already high level of taxation—I have deliberately referred to increases and not to reductions—to avoid increases in taxation and at the same time to cope with the desire on the part of all classes of the community for increased expenditure on social and administrative services. I have no doubt that some hon. members may think that it is the height of madness to allow an increase of £640,000 in recurrent expenditure; and yet those very same members later in their speeches will probably ask me why provision is not made for this thing or that thing or the other thing which is dear to their own

hearts or dear to the hearts of their constituents. (Hear, hear.) The Government is in no way complacent about this growing recurrent expenditure.

I should like to rub that figure of £640,000 into the heads of hon. members! It is an important figure, and I should very much have liked to have been able to present a budget with a lesser increase in recurrent expenditure than £640,000. On the other hand, after the demands made by heads of departments, by local authorities and, most important of all, by the general public, had been granted in full there would have been an increase of half a million or more over and above the £640,000. These demands were pruned rigorously under my direction. Therefore, if any hon. member has criticism to offer that there is no provision in the estimates for this thing or that thing or the other thing, the responsibility is the responsibility of the Government as a whole—not the individual heads of departments—and members' attacks should therefore be directed to me! (Hear, hear.) It is a simple matter at a time when we are contemplating a programme of expansion and development to put forward requests for the approval of desirable expenditure, but it is the responsibility of Your Excellency's financial advisers to ensure that such expenditure is kept within the limit of the funds available, and that means that we must be prepared to say "No" when occasion demands.

I have perhaps said sufficient regarding the general policy followed in the preparation of the Expenditure Estimates, and I now wish to turn to certain matters of detail, though I am not going into very minute detail because that is the responsibility of the Standing Finance Committee if this resolution is approved. First, I would refer to the increase of £50,000 under the Administration head. Officers of the Provincial Administration have had to carry out the most exacting duties during the war years; they have been overworked and many of them are in need of a holiday. Some expansion in staff is accordingly necessary and I know that the hon. Chief Native Commissioner was anxious to see a very much larger increase than in fact it has been possible to make in this budget. We have also provided under the Administration head, item 7, for four assistant Directors of Agriculture, Animal

[Mr. Troughton] Husbandry and Natural Resources— that word "Agriculture" is wrong; it should be "Agricuture, etc."—one to be stationed in each of the four main provinces. The Government considers that the creation of these posts is essential for the efficient development and co-ordination of productive services in each province. Their duties will be to co-ordinate agricultural, veterinary and forestry activities, and it is proposed to select for appointment to these posts the officers best qualified in each of the departments concerned.

Hon. members may also have noticed that provision is made for the formation—or rather I should say the amalgamation—of the Northern Frontier and Turkana Districts into a fifth province under a Provincial Commissioner. It is felt that this will make for considerably more efficiency. Conditions in both areas are very much the same, their problems are very similar and, with the development of air communication, it should be relatively simple to administer them jointly as one province.

If hon. members will turn to Nyanza Province, they will notice that we have decided to try out an experiment of appointing some 18 African administrative assistants, each of them to take charge of a group of locations, under the supervision of the District Commissioner. This experiment is not cheap, but the hon. Chief Native Commissioner is satisfied that it is worth while. We have also made provision for the proper administration of the village of Kihera, near Nairobi. Conditions there have been fully ventilated in this Council, and I need say no more. We have also provided for increased expenditure on the proper control of the Olenguronte settlement.

Turning now to the head Administration Extraordinary, I should like to invite the attention of hon. members to the provision of £80,000 for famine relief. Hon. members might well have wondered why such provision is made in the Estimates when they know quite well that the Estimates had to be prepared at a time when we did not know how the rainfall was going to develop. The answer is that the great bulk of that money is for Machakos district which, however favourable the rains, cannot produce anything more

than a fraction of the food required to maintain the inhabitants until that district has been rehabilitated, and the urgency of action is admitted on all sides. The fact is we must regard it as on the dole for the time being, and provision for famine relief will be necessary from year to year.

Turning to the agricultural head, hon. members will notice a considerable increase. Most of that is attributable to the fact that, under this head, we have made provision for the Egerton School of Agriculture at Njoro. This school is being expanded, and it is intended that it shall be used for the purpose for which the land was generously donated by Lord Egerton of Tatton, namely, training Europeans in agriculture with the object of making them more efficient farmers. The expansion of the Egerton School at the present time is really one of Government's plans for the training of ex-Service men, and it is hoped that a large number of ex-Service men will be able to take advantage of the facilities of this school during 1946. We regard the school as playing a very important part in the development of European agriculture. In the past, particularly after the last war, Europeans were put on the land without any experience of farming at all, and it is small wonder that there was a considerable proportion of failures. It is not intended to repeat that mistake again, and no one will be allowed to participate in any Government-assisted settlement schemes unless he can prove that he has received proper training either at the Egerton School or on a farm or elsewhere. (Hear, hear.)

Hon. members may also have noticed a decrease in the provision made for soil conservation. That is not because Government does not attach importance to soil conservation—far from it: it is because the provision has been transferred to the estimates of the Development and Reconstruction Authority under the Agriculture Extraordinary head; I should like to invite attention to the provision of the sum of £75,000 for anti-locust measures. It is unfortunately the case, as everyone knows, that we are now passing through one of those cycles during which we have periodic infestations of locusts, and I am afraid there is no real alternative to a full-scale locust campaign. This campaign will be costly, but

[Mr. Troughton] other authorities are involved, and we hope that financial assistance will be forthcoming both from the United Kingdom Government and from the governments of other East African territories. But Kenya is unlikely to get off with less than £75,000. It is in fact a token figure, but in the nature of a minimum.

Provision for the Agricultural Production and Settlement Board has been made under a separate heading, and there is nothing which appears to call for any particular comment.

Under Head 5A, Agricultural Production and Settlement Board Extraordinary, I should like to refer to one or two items. It is intended to close down on the scheme for breaking grants, and the figure shown in the Estimates merely represents the liability which we are likely to have to discharge in respect of grants already approved. The subsidy for non-native maize acreages has one more year to run, and we are committed to it. I should like to say here that I think the time is coming rapidly when direct Government subsidies to non-native farming will have to stop, but I would like to make this point—that this subsidy to non-native maize acreages has served a most valuable purpose and still serves a most valuable purpose. Had it not been for this European maize crop, this country would have had to import this year very large quantities of cereals, far more than we did import last year, at a price definitely more than the cost of the subsidy. That would have resulted in a subsidy to the consumer, because the price could not be passed on, which would cost the Government and the taxpayers infinitely more than the subsidy to non-native maize acreages which, in my view, was entirely justified. (Hear, hear.)

Turning to Head 5B, Agricultural Machinery Pool, I cannot regard the position of this Pool with any very great measure of equanimity. During the periods of shortage of agricultural machinery the Pool has served, and is serving, a very useful purpose, but it has not paid its way. The charges made for the use of the machinery were revised earlier this year, but the revision in my view does not go far enough, and I have asked the hon. Member for Agriculture to go into the matter again with a view to revising those charges still further, so that they may cover costs and provide

some contribution towards depreciation, as was the intention at the time the Pool was formed. This Pool was never intended as a subsidy to farmers, and I feel that as soon as the supply position permits, which will not be for some time, but as soon as it does, we should get shot of it, and the proper course then is to have the Pool operated by, say, the K.F.A. or on some other co-operative basis. Hon. members will notice that the estimated revenue now exceeds the estimated expenditure, but that is subject to the revision about which I spoke.

The next head to which I would refer is the head Central Administration, Secretariat and Legislative Council. Provision has been made in this head for the hon. Member for Agriculture and his staff. I should like to refer particularly to Item 8, Economic and Commercial Adviser, and I am glad to be able to inform hon. members that an appointment to that post has now been made. The officer appointed is Mr. Hope-Jones, at present Economic Adviser to the Anglo Persian Oil Company, who has been during the war engaged on certain special work for the Ministry of Food. In addition to being a man of commercial qualifications, he also has academic qualifications in that he is a Fellow of Christ Church, Oxford. Mr. Hope-Jones will, I hope, take up his appointment early in the new year. (Hear, hear.) He will work in that part of the Secretariat for which I am responsible.

The hon. Member for Kiambu will no doubt note with satisfaction that provision is made under this head for a woman to carry out the duties of an assistant secretary, and also for a further woman to be appointed in due course as an administrative officer. That shows we are marching with the times, even in the Secretariat (laughter), and I am glad to say that so far the experiment is proving eminently satisfactory. (Mrs. Watkins: Better late than never!)

Turning to civil aviation, hon. members will notice the provision of £10,000 as a subsidy to the East African Airways, which has been inserted in consequence of the resolution passed at the last session of Council. Under the Customs head, members will notice a small increase in staff. With the new definition of value approved by this Council, we hope to be able to tighten up the collection of Customs revenue.

[Mr. Troughan]

Now I come to the head Education, which raises questions of major importance, in which I fear I must refer at some length. The increase in the education vote year after year is, to say the least of it, most alarming. Additional provision for education usually receives the warmest support from all sections of the community, with the result that considerable pressure is put on the Government by public opinion as expressed through the various Advisory Councils. It is a great pleasure to Your Excellency's advisers to be able to yield to that pressure, but unfortunately we can only do so to the extent to which financial prudence permits. They cannot provide all they are asked to provide. My personal view is that the expansion of educational facilities must now be slowed up because the cost is rapidly out-stripping our present financial capacity. If further progress is desired, the people of this Colony must be prepared to pay substantially more for their educational facilities, either in the form of increased taxation—and I say increased taxation, not simply in a reduction in wartime rates—or a heavy increase in fees charged to parents, or a combination of the two. I should like to say quite explicitly that I do not think this Colony can afford to meet its educational commitments with the present level of taxation, and the present level of fees charged to parents. Let us examine what these commitments are.

We have compulsory education for European children. The expenditure on European education has grown out of all recognition during the past few years. It has in fact trebled between 1938 and the present time. I am glad to say that there are now appearing to be signs of reaching equilibrium, because the increase reflected in these Estimates is only a matter of about £8,000, but I fear that that is in appearance only. Under Indian education, the position is really serious. The cost of Indian education has gone up by £70,000 since 1938, and is nearly three times what it was, but there is no sign whatever of equilibrium. The Indian population of school age is increasing by about 12 per cent each year, and we have compulsory education for boys in most of the towns. That means there is an obligation on the Government to provide accommodation. In my view, the

Indian community will have to make a very much larger contribution to the education of their children either by way of increased taxation or by way of increased fees, and I shall be very happy to assist them to that end in due course. (Laughter.) To be quite fair, I do not believe for a moment that the Indian community would object to paying more. If the opinion of the Advisory Council on Indian Education is any criterion, but in the meantime this expenditure is maintained and, in my view, steps must be taken to cut it down. That may mean that the Advisory Council on Indian Education will suffer from a sense of frustration. I am afraid it will, but there can be no question, for example, of the Government taking over existing grant-aided schools at a higher cost; there can be no question of the provision of permanent relief staff in Indian education; there can be no question of any material improvement in the terms of service for Indian teachers which will give rise to any considerable increase in expenditure, and there can be no question of the provision of hostels at the Government expense on a sub-economic basis, and no question of the extension of compulsory education to cover Indian girls as well as boys, not for the time being.

I will not refer to Goan and Arab education, although the expenditure on both is maintained. African education shows a major increase of round about £40,000, much of which is due to increased grants to aided schools. These almost represent a commitment, though the amount that is provided is materially less than that asked for, and we will not, as I see it, be able to pay quite the full amounts provided under the rules. Moreover, a revision of the terms of service of African teachers is proposed, and I am satisfied myself that a revision is necessary. The Advisory Council has, however, put forward proposals which would lead to a very great increase indeed in the cost, and in addition would make heavy demands on Local Native Councils. In my view, the acceptance of the proposals of the Advisory Council would result in putting back the development of African education for several years, because it would mean that any more funds which may be made available would go into improving the salaries of existing teachers rather than paying

[Mr. Troughan]

for new ones. The proposals of the Council are quite unacceptable. I should like to make this very clear, because I happen to know that information as to what the Council has recommended to the Government has been widely disseminated, and is fairly well known among the teaching fraternity. Therefore they should know quite definitely and publicly that those proposals are unacceptable. But some revision is necessary, I am quite satisfied as to that, and I am consulting the hon. Acting Director of Education regarding some alternative proposals put forward by myself.

We have all this expenditure, but in African education we are only touching the fringe of the problem. If we are to cope adequately with the desire for literacy and, indeed, the need for it, we will be led to very greatly increased figures of recurrent expenditure.

That, sir, is the picture as I see it. Quite apart from capital expenditure, the five-year plans of the Director of Education provide for increased recurrent expenditure of well over half a million at the end of the five-year period. The Advisory Councils, or some of them, would go much further, and no possible increase in the taxable capacity of this country seems to me to be likely to cope with a development programme of this magnitude. As I said before, very heavy sacrifices will be required of all sections of the community unless we close down on an expansion of education and repeal or modify the provisions for compulsory education for Europeans and Indians. The whole matter is so grave that the Government has decided that it should be subject to a full and authoritative review at the earliest possible moment. That review will take place, but I do feel it my duty to place before this Council the immense financial dangers involved in the present situation. (Hear, hear.)

I do not propose to refer to the details of the education vote except to make three general remarks. If education in the provinces is to be properly controlled, Government supervision is obviously necessary, and provision is made for an increase in the supervisory staff. As regards African education, the most urgent thing is for the provision of trained teachers, and to hope to be able to do something towards getting teacher

training going during 1946. I should like to say here a word about Makerere College. On financial and other grounds I do feel that we should give the maximum support we can to this institution. (Hear, hear.) It is only by the substitution of Africans, qualified Africans, on lower rates of pay for Europeans and Asians, that we can hope to be able to finance any material expansion of the social services. So from that point of view it is important to get to Makerere as many of our Africans as are qualified to take advantage of the excellent education there provided. Makerere itself has prepared a tentative development programme which will involve an increased contribution from East African territories, both to meet the recurrent expenditure and to help build up an endowment fund. Such a programme, I feel, should be warmly supported by this Council because it should lead to increased economy in the long run. That, sir, I think is all I have to say about education.

The Forest Department vote also shows some increase. In dealing with this head we must, I feel, have an eye to the future, and our aim is to be able to meet our local requirements of timber based on the higher standard of living which I hope we may expect in the future. We will always obtain revenue from our forests, and in 1946 that is materially in excess of the expenditure. Hon. members will note that it is proposed to continue making contributions to the Forest Development and Replanting Fund as in the past. That fund will come under your control, sir, or rather the control of the Development and Reconstruction Authority. The Labour Department shows some expansion but perhaps I need not refer to it in detail as a Seasonal Paper has already been laid on the table. We have made provision for a very distinct improvement in the terms of service of labour officers and senior labour officers. Perhaps here I should explain in parenthesis that there is a slip in the memorandum which says the proposals were approved by the Standing Finance Committee. That is not so, but by a sub-committee of that committee. While on the subject of the Labour Department, I should like to say that one of the main functions of that department, as I see it, must be to increase the output of labour. (Hear, hear.)

[Mr. Troughton]

We all agree that wages are at present low, that the wages paid to Africans must rise, but we cannot afford any further increase unless the output rises at the same time. (Hear, hear.)—Both the Colony's estimates and the Railway estimates reflect a considerable increase in the amount paid to African workers. That is right and proper, but it is a process which cannot and should not go on unless the output of labour rises at the same time.

Under the Local Government, Lands and Settlement, hon. members will notice that a Sessional Paper has been laid on the table this morning. It is the intention of the Government to bring in a resolution which will enable a discussion to take place on the proposals contained in that Sessional Paper, so that I do not propose to refer to it here. All I would ask hon. members is that although they would be quite in order in this debate in discussing it to leave it over for separate debate, because it is an important matter and might well be lost in a mass of verbiage if it is discussed in the Estimates debate.

But under the head Local Government Contributions there are two matters that I want to refer to. The first is the item 3, African housing in Nairobi. Hon. members will know that we have received very generous assistance and are receiving it from the Colonial Development and Welfare Vote towards the cost of this African housing in Nairobi. But even with this assistance it is not possible for the Municipal Council to build houses which they could rent at rents within the capacity of the tenants to pay, and an additional subsidy, is therefore necessary; and the Government and the Nairobi Municipal Council have agreed to go 40-50 in any deficit that may arise. That is the explanation of item 3.

The second item is basic road grants to District Councils—item 31. The Conference of District Councils and the sub-committee of the Central Roads and Traffic Board recommended a very substantial increase—an increase, in fact, of 35 per cent—owing to the increased cost of maintaining roads. The hon. Director of Public Works similarly asked for a very large increase in the provision under Public Works—Recurrent for the maintenance of roads. Well, the esti-

mates show an increase of 10 per cent only instead of the 35 per cent asked for by responsible people. This is not a story peculiar to these two items, but I mention it here to illustrate some of the difficulties, or one of the difficulties, which are involved in framing a budget at a time like this.

Turning to the Medical Department, the vote for which is also up considerably, I would mention first an increase in the number of nursing sisters and the improvement in their terms of service. The fact is that the old conditions of service for nursing sisters were unsatisfactory in relation to what women can earn in other walks of life. Provision is also made for a new organization to cope with insect-borne diseases, and I hope that the acceptance of this provision will ultimately enable us to reduce our hospital commitments. Generally, from the lay point of view, I feel that expenditure on the Medical Department is better devoted to the prevention of disease than to its cure, and I should prefer such sums as can be made available for medical services during the next few years to be devoted rather to an expansion of public health measures than to the provision of extra hospital accommodation. The introduction of the scheme for the creation of a European Hospital Authority and a Hospital Fund which we discussed the other day may necessitate variations of these estimates at a later stage.

Turning to mining, I should like to stress the growing importance of this department. With the termination of lend-lease the production of gold once again becomes of prime importance to enable the Empire to finance imports from countries with difficult currencies, but there is an even deeper reason for the importance of the Mines Department. Kenya is an agricultural country, subject to the vagaries of the weather and subject to the vagaries of world prices for agricultural products. We badly need a large and stable industry, whether our geological resources are such that they can provide us with such an industry I do not know, but it is essential that we should know what those resources are and exploit them if they are worth exploiting. A scheme for a complete geological survey to be undertaken on an East African regional basis has been prepared and will be put into

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effect as soon as possible. In the meantime, until that is put into effect we must go ahead on our own and get busy trying to ascertain more about the exact nature of our mineral resources. For that reason provision has been made in the estimates for additional geological staff. In order that the best possible technical advice may be available, a Mining Consultant is being appointed in Tanganyika, but by arrangement with that Government his services will be available to us when we require them. (Hear, hear.)

Under Miscellaneous Services I need only refer to increased provision for passengers. The figure is more or less a shot in the dark because we do not know to what extent shipping will be available, but it is essential that officers who have done long tours with constant overtime and heavy responsibilities should get a holiday as soon as possible.

The Pensions vote shows an increase, though I can remember years ago a highly authoritative committee prophesying that we would have reached equilibrium by now. Well, we have not, and I am not going to turn myself into a prophet to-day, but the expenditure continues to mount. The introduction of the Government Staff Provident Fund has led to additional expenditure, and the introduction of the Contributory Pension Scheme for Europeans will involve an initial expenditure of £100,000 in order to put the scheme on a sound basis from the start. Provision was made this year, but the money will not be spent and is being revoted.

Here I should like to make one point. A number of members of the public and a number of members of the Kenya European Civil Service say that they are not pensionable, and they give you the impression that when they retire from the Service they get a small sum of money from the provident fund, which they proceed to spend in a year or two and then they are faced with destitution. That is unmitigated nonsense. It is true that members of that Service are not pensionable in the technical sense of the term, but they are pensionable in the real sense of the term because they are eligible for pension if they retire at the age of 55, in the case of men, and 50 in the case of women, or, if they retire on medical grounds after the completion of ten

years' service. Time and time again my predecessor and I have got up in this Council and proposed resolutions voting pensions to this person or that, and it has been made quite clear that these pensions are at the rate which will apply when the contributory pension scheme comes in. They are, in fact, at precisely the same rate as applies in the overseas service, except that the individuals concerned make contributions towards the cost.

Turning to the Post Office, The Post Office, I am afraid, shows an increase in expenditure and a reduction in revenue. The latter reduction we have considered it prudent to make, because we hope that something in the nature of an all-up Empire air mail scheme will be introduced, or re-introduced, although I am not in a position to give any details or indeed to make any particular statement about it at the moment, except that we thought it appropriate to reduce the revenue estimated to accrue from the sale of stamps.

I do think that the present Post Office accounting arrangements are thoroughly unsatisfactory. It has often been said that Government uses the Post Office as an instrument of taxation. Frankly, I have not the foggiest idea whether it is an instrument of taxation or not, and neither has my hon. friend the Postmaster-General. It is true, of course, that you will find the estimated revenue and actual revenue exceeding expenditure, but that tells you nothing. There is no provision on the expenditure side for pension contributions to meet future commitments; there is no provision for a renewals fund to meet the cost of renewal of wasting assets; there is no provision for a betterment fund; there is no provision for the payment of an annual contribution to the taxpayer, who is in the nature of a debenture holder—the person who has provided the funds, building and equipment for the capital of this business.

We hope to undertake a complete re-visit of the whole of the Post Office accounting system and to make it a self-contained unit, with provision for a proper renewals fund, a proper betterment fund, proper pensions contributions and all the rest of it, and if, after totting up the expenditure side in this manner there is anything left over for distribu-

[Mr. Troughton] tion to the shareholders, then we can say that the Post Office is a taxing machine, but we will at least know what it has paid by way of taxes. If, on the other hand, there is a deficit we can say that it is subsidized from general revenue, but we will know the extent of the subsidy and we can consider independently whether we should put up the postal rates or not in order to do away with the subsidy. At the present time we have not the foggiest idea where we really are. (Laughter.) The hon. Postmaster-General is in complete accord with the revision of the accounting on these lines, but it will be some time before the necessary valuations can be undertaken to enable it to be brought in.

The head Public Debt is up because of the debt charges on the new Kenya loan. I do not propose to refer to this loan now, but I doubt whether I shall get off scot free in replying to the debate! I would, however, say this, that the Government has no intention of raising a further loan in the immediate future, though we hope to raise a total amount of the order of five millions for development purposes during the next few years.

The Public Works Department shows some expansion, though increases on the Administrative and General side are relatively small. It has been necessary completely to reorganize the stores to cope with the very considerable quantity of stores which will be required in connexion with post-war development. The Water Branch has also been increased. On analysis it will be found that a great deal of the increase is due to provision for cost of living allowances which was under-estimated this year. I know that the Public Works Department has from time to time been subjected to severe criticism and it will be a strange thing if it is not subjected to it again during the next few days. Early this year a committee was appointed to inquire into the basis of costing. That committee inherited the chairmanship from my predecessor, but perhaps for my virtues, at most times during the past few months at least two of the three unofficial members have been one of the Colony, so before that, in my predecessor's day, there was no Assistant Director of

Public Works because the Director, Mr. Stronach, retired and the officer who was acting for him shortly afterwards tragically died. The fact remains that some expansion of the Public Works Department is necessary if we are going to undertake any extensive programme of development. I should make it clear that the new posts to be created in connexion with the development programme will all be on a temporary contract basis and there will be no question of admission to the permanent and pensionable establishment. (Hear, hear.)

Under Public Works Recurrent, I have already referred to road maintenance. We have had to allow some increase in the provision for the maintenance of public buildings, because the fact is that the maintenance of public buildings has fallen steadily into arrear during the war years, and we have got to make some attempt to catch up if we are not going to get muddled in very heavy and un-economic expenditure on renewals. The programme of Public Works Extraordinary shows a material reduction, for the reason that most of the major works have been transferred to the Development and Reconstruction Authority. I do not think there are any items to which I need refer in detail, except to say that it is the old story of a great many pressing demands having been cut out on the grounds of economy. We have also endeavoured to keep the programme under this head and under the Development and Reconstruction Authority somewhere within the capacity of the department to build and to let contracts.

I now turn to Head 3, War Expenditure, Civil. The obvious comment is that expenditure is up though active hostilities are absent. I do not propose to go through each item, but I should like to make observations regarding one or two. As regards item 17, until the devastated rubber plantations in the Far East have been rehabilitated and brought into production there is an acute world shortage of rubber and every pound is required. Under item 19 I am afraid that there is no possibility of the abandonment of petrol rationing in the near future. On the contrary, it may be necessary to tighten it up. The position is that, quite irrespective of the amount of tanker tonnage available, the sterling area does not produce sufficient petrol to meet the

[Mr. Troughton] Empire's requirements. The United Kingdom and other countries have to import from countries where the currency is the dollar, and the result is that economy is essential and I am afraid that there is no hope of getting rid of petrol rationing for the time being, much as I should like, and much as we should all like to see it happen.

The Supplementary Police Force shows a decrease, but the amount is likely to remain substantial until the future garrison of the Northern Frontier and Turkana Districts has been decided.

The Imports Control Office shows an increase. A number of unofficial bodies have been passing resolutions in favour of the abolition of Imports Control, and no one would be more pleased than I if it could be abolished. (Hear, hear.) My postbag is full of letters on this particular subject. Unfortunately, there is very little chance of anything of the kind happening in the near future, for currency reasons. (Members: Shame!) Shame it may be, but fact it is! It is essential in present circumstances to maintain strict control over imports from countries with difficult currencies, and unless the talks at present taking place in Washington achieve truly remarkable results, which up to now they have not, I already looked like doing, then I am afraid Imports Control may remain with us for years. (Members: Shame!) It is however, possible, as Your Excellency announced from the chair, to do away to a great extent with the restriction of imports of goods from the sterling area (applause), and a considerable reduction—this is the jam on the pill—a considerable reduction in the Imports Control vote will prove possible. (Laughter.)

As regards the Information Office, the estimate has been framed on the same basis as last year. The future of the office is under consideration by the Development Committee, but the Information Officer himself has submitted proposals for a material reduction in expenditure and curtailment of facilities. The matter will be raised at the Standing Finance Committee stage, and I hope it will be possible to lop off £6,000 or £7,000 from the vote anyway.

Price Control shows an increase, and the department can do with still more

staff. I think that during the next year or two when we are facing the dangers of inflation following on a war, when supplies are still short and money tolerably plentiful, price control is of the very first importance and personally I should like to see provision for even more staff, provided suitable staff can be obtained. It is a service that benefits everyone.

Commodity Distribution. Hon. members will notice a considerable reduction has been made in the estimate, and I am now able to announce that as from the end of this week coupon rationing of butter and ghee will be suspended. (Applause.) Allocations will still be made to traders but coupons will no longer be required. As regards wheat and wheat products, a change in the system of rationing is proposed. Coupons, again, will be suspended as from the end of this week, but the position is not such that any increase in consumption is warranted. Allocations will still be made to traders, distribution will still be controlled, but we should achieve a considerable economy by getting rid of the coupon system. If, however, consumption goes up materially or shows any signs of rising, we will not hesitate to clap the coupon system on again. However, we are getting rid of both lots of coupon rationing—butter, wheaten products and ghee—for the time being. (Mr. BOUVER: And some staff?) And some staff.

Regarding the Supply Board, expenditure is up slightly because of the necessity of maintaining export control for currency reasons and retaining a number of other controls until supplies and shipping become more freely available.

The main item under War Expenditure, Civil, is item 30—demobilization and absorption of Service personnel. The details of these estimates will be found in an appendix. They deal with two main matters—the dispersal of members of the armed forces and the training of members of the armed forces to take their place in civil life. Hon. members will notice that provision is made for four types of training centres for Africans. The first is a centre for the on-training of skilled artisans to enable them to take up employment in urban conditions. The second is a Kenya centre to provide for the training of rural artisans, carpenters, masons, brick-



[Mr. Troughton] layers and the like. The third is for the training of education instructors, clerks and welfare workers, and the fourth for the on-training of handymen and skilled labourers. In the first three classes it is hoped to obtain accommodation from the military.

So far I have been referring only to plans, and members may wish to know what is happening. The military authorities have already given up the N.I.T.D. at Kabete, which we propose to use as a training school for artisans. In addition, arrangements have been made with them to take in African civilians at the Janera School. There are 30 vacancies there for African ex-askaris at the moment. African ex-askaris are aware of it, but are not coming forward for the reason that all want a holiday as soon as they get demobilized and before they take up any serious training. I do not blame them. Staff has been engaged for those training centres, and a number of British officers and N.C.O.s will make their services available, but the number is not so great as the Director of Training had hoped. As regards the non-native side, provision is made for overseas burarsies, particularly for the benefit of those whose education was interrupted by the war. Such burarsies are awarded by a committee of which I am chairman, and I can assure hon. members that they are made on a generous scale. Provision is also made for burarsies at the Egerton School of Agriculture, and we considered whether it would be preferable for education to be given there free of charge but decided that the best way to do it was to give burarsies to the individuals concerned and let them pay the normal fees. On the Asian side, arrangements have been made for agricultural training at a school in Tanganyika.

Now I turn to the revenue side. Your Excellency has already announced the intention of the Government to remove the excess profits tax on the 31st December this year. This position does not affect the budgeting of revenue and expenditure as such, because the revenue from the excess profits tax is paid into the excess profits fund and does not go through the Colony's accounts in the normal way. The abolition of this tax does not mean that the tax will cease to

be collected at the end of this year, but will be collected next year on profits earned this year. Profits earned in 1946 will not, however, suffer the tax. At a later stage in the present session legislation to provide for the first steps in the winding up will be introduced.

I should like to take this opportunity to re-emphasize the point made in His Excellency the Governor's message to this Council. The object of taking of this tax is not to enable additional dividends to be paid to shareholders or to increase the spending capacity of individuals. The object is to enable industry to expand and rehabilitate itself generally and enable it to face up better to post-war competition, and if there is a tendency to utilize the relief from the tax mainly to the payment of dividends for distribution to shareholders the Government will do anything it can to stop it. I must also emphasize that the abolition of this tax has nothing to do with the phrase "the end of the war" that appears in the last section of the ordinance. The war is still on and, as Sir Philip Mitchell's message said, war expenditure is still being incurred. The excess profits tax is being removed as an act of policy, and our other war taxation measures still remain. There is, however, one modification proposed. I have already said that the intention of removing the excess profits tax was to give a fillip to industrial development. The importance of such development cannot be overstressed. The development of secondary industries can lend stability to the country and do something to relieve the very serious pressure on the land in native areas. We propose to take further steps to encourage such development. Legislation will be introduced to revise the income tax allowances for depreciation of capital assets in such a way as to provide the maximum encouragement to industrial and agricultural enterprises that is reasonably possible. (Hear, hear.) Perhaps I should mention that the income tax revenue will in due course benefit by the abolition of the excess profits tax, because excess profits tax counts as a cost in assessing income.

I should like to make some general observations about taxation. It is the intention of the East African Governments, as hon. members know, to carry out a fiscal survey of East African tax-

[Mr. Troughton] able capacity and to review the full incidence of the fiscal system. To carry out this work the East African Governments have secured the services of Sir Wilfred Woods, until lately a Commissioner of the Government of Newfoundland and previous Financial Secretary of Ceylon, who recently carried out an important fiscal inquiry in Malta. Sir Wilfred will arrive in East Africa early in the New Year to carry out this task.

There is a body of opinion in this Colony which holds the view that a substantial reduction in taxation may be expected in the comparatively near future. There is no doubt that such a reduction in taxation would be extremely popular. I venture to suggest that it would not be in the best interests of the Colony as a whole but, on the contrary, I feel that the best interests will be served by maintaining the level of taxation at the maximum of our taxable capacity, always provided—and the proviso is important—that the fiscal system is so designed as to afford the maximum encouragement to industrial and agricultural enterprises. In the first place, a reduction in taxation would lead to a programme of retrenchment with a curtailment of services rendered to the community. It would mean some or all of the following things: reduction in the police force, the closing of schools, the abandonment of compulsory education, curtailment of funds for the maintenance of roads and all the rest, with a retrenchment of staff and general hardship all round, which would have repercussions on the prosperity of the country as a whole and of the individuals in it. Secondly, a material reduction in taxation would, I submit, mean the abandonment of any serious programme of development and reconstruction. That programme envisages large assistance from the British taxpayer, and we could not honestly accept such assistance unless we ourselves are prepared to pay in so far as our taxable capacity permits. Taxable capacity is not a cold, abstract thing. It is land fertility, it is prices of primary products, agricultural and mineral, it is pyrethrum, coffee, and all the rest of it, and insofar as taxable capacity permits we should contribute. For these two reasons I should feel strongly opposed to any material reduction in taxation at the present time, and I feel that unless

we can agree to maintain taxation at a high level we can write off all prospect of future advancement.

The revenue estimates do not require much in the way of detailed comment from me. Customs is up, because we expect that the shipping and supply position will improve towards the middle of next year. Income tax is up, partly because we hope to get more staff (laughter), partly because we have now succeeded in getting an investigation branch going which is bringing would-be offenders to heel, and partly because arrears of collection are now being placed. Native poll tax is up because of the demobilization of askaris, which will render them liable to pay the tax on discharge.

A word about native taxation generally. I think we all agree that the present system of poll tax is unsatisfactory, because it imposes an equal burden on the rich and on the poor. There are, in fact, a great many well-to-do Africans who pay very little because of the unfortunate incidence of this tax, of the unfortunate relation to their taxable capacity. We have designs on these gentlemen, and I hope it will be possible before very long to introduce a form of income tax suitable for application to Africans. Proposals to that end have already been formulated; in fact, they have got to the length of a draft bill, but in view of the difficulties involved in collection, and the present shortage of administrative staff, and the manifold duties of the administrative officers, we do not propose to introduce the necessary legislation just now. I mention the matter, however, to show that the Government is not unmindful of the defects of the present system.

It is a fallacy to assume that native taxation has remained substantially unaltered throughout the war. For practical purposes there are three forms of native taxation. First, poll tax, the revenue from which remains fairly steady. Second, the natives make large contributions to our revenue through customs and excise duties—that has increased by the increase, partly because of the increase in the actual rates of duty, and partly because of the increase in values on which the duty is paid. Third, we have got the native poll rates levied by

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local native councils, rates voted by the natives themselves. These have been very substantially increased during the past few years, and local native councils are showing an increasingly greater tendency to rate their constituents, so that native taxation has not remained steady during the war but has grown considerably.

The apportionment of expenditure between the Government and local native councils has for years been unsatisfactory. Proposals to remedy matters were prepared early last year by an officer who made a special investigation into the subject. Those proposals were reviewed by the provincial commissioners and the Standing Committee of Local Native Councils, and it was eventually decided that no final decision should be taken until after the set-up of local government had got going. In the meantime, two or three interim measures were taken. A grant was made to cover expenditure on roads and part of the expenditure on chiefs' clerks. Later it was decided to make a grant equal to the amount of the war bonuses paid by local native councils to their own staffs. I would digress for a moment and say that owing to an oversight on my part the necessary provision for this latter was omitted from the Draft Estimates, but I will ask the Standing Finance Committee to put it right. All these things are mere palliatives, and what we want is a proper system, and we have brought matters again under review, and the hon. Chief Native Commissioner and I are consulting about it. The matter is one of considerable difficulty and complexity.

The Development and Reconstruction Estimates will not take me very long, for on a previous occasion I have explained in broad outline the objects of the creation of the Development and Reconstruction Fund and I do not propose to go over that ground again. The estimates cannot be regarded as in any sense in final form as the necessary planning has not been completed, and we have only a comparatively rough idea of where we stand, but we do know that whatever the programme may be certain equipment will be wanted, certain staff will be wanted, and certain urgent works are bound to take their place in any programme of development, and provision

has been made accordingly. Hon. members may have noticed that we expect to spend on an average a million and a half for the next 10 years, but provision for 1946 is nearly double that amount. That is largely because the estimates provide for considerable amounts for the purchase of equipment in order to make a start on a variety of development schemes, and that equipment will not require to be purchased year after year. Secondly, we have put in provision for an unallocated amount of £500,000. We do not think that the total amount provided on the expenditure side of these estimates will be spent, but I would deprecate any reduction of the total amount because, if the Development and Reconstruction Authority is to do its job properly, it must have adequate sums at its disposal and not be tied too closely to exact estimated figures.

In all this there is a limiting factor of extreme importance. Most capital expenditure brings consequential recurrent expenditure in its train. Loans require interest and redemption payments to be made, higher standards of roads may require heavier maintenance, new schools require to be staffed and run, and so the story goes on. The limiting factor to the activities of the Development and Reconstruction Authority must, I think, be the taxable capacity of the country and its ability to meet consequential recurrent commitments (Hear, hear.) That is a matter to which you, sir, and the Government as a whole are very much alive, and before embarking on any schemes recurrent commitments will be carefully examined. The Colony has suffered in the past from an uncontrolled growth in recurrent expenditure (hear, hear), and we have had to face up to drastic programmes of retrenchment. Therefore it is of prime importance that the activities of the Development and Reconstruction Authority should be devoted primarily to projects which will tend to increase the national income of the Colony and so its taxable capacity. (Hear, hear.)

Regarding the money to be put at the disposal of the Authority, hon. members will find a table on page 181. The figures there are tentative, and I would ask hon. members to regard them as such. Provision has been made in the revenue estimates for appropriating the balance of the Wartime Contingency Fund and

[Mr. Vincent]

the balance of the Excess Profits Tax Fund. This Council will be invited to approve specifically the payment of loan moneys into the fund. Moneys received from the Colonial Development and Welfare Vote will be paid in as they accrue. In the meantime, a good deal of this is hypothetical money, and if there is a shortfall in the amount of the fund to meet the projects undertaken advances will be made from revenue to the fund or short-term borrowing pending the raising of loans will be undertaken as required.

I do not think I need refer to the details of these estimates, except to mention that, regarding the Maechakos reconditioning, the amount is largely token in character, because it is not possible at present to estimate what is likely to be required in 1946. It is clear, however, considerable equipment will be necessary, and also that it will be necessary to utilize paid labour in addition to the services of people working on their own land. We will require an organized labour force—I prefer that to the more grandiose title of Land Army. As regards settlement, provision has been made for African settlement on a considerable scale, but more provision will be required in future. The whole question is largely at the detailed investigation stage at the moment. The amount available for European settlement represents the balance of the quarter of a million approved in 1938. A number of settlement schemes have been submitted to the Secretary of State, and it is expected that his decision will be signified before very long. Meantime, it is not possible to make any provision more than the token sum shown in the estimates.

Hon. members may have noticed no provision in the estimates for the development of national parks. That is because the trustees appointed under the ordinance have not yet had sufficient time to set forth their requirements. We all formulate their requirements, and we realize that this national parks scheme will represent an investment which should render a handsome return through expenditure incurred by tourists and visitors. Irrespective of the trustees' deliberations, I shall invite the Standing Finance Committee at the appropriate stage to insert at least a token sum for

the purpose of assisting the national parks trustees in their work.

Perhaps I should re-emphasize two of the main objects of the Development and Reconstruction Fund. They are to enable capital expenditure to be incurred without being subjected annually to the vagaries of the revenue and expenditure budget, and also to enable it to be stepped up or down as circumstances might require. By that I do not mean that expenditure will be slowed down during a period of depression. On the contrary, during a period of depression it would be the policy of the Authority to step expenditure up so as to make a contribution towards keeping money in circulation and providing employment. But once again may I remind hon. members of the limiting factor? The limiting factor is the ability of the Colony to meet consequential recurrent commitments.

I am afraid that I have taken up a disproportionate share of the time of this Council. A few more words and I have done. This budget represents in a very real sense a paring of the fat. There were two alternatives facing the Government. First, to provide for the normal administrative machine without any expansion of services, productive or otherwise, and without any imagination. That would have been the easy way, and if adopted it might have been able to look forward to some alleviation of taxation. But would it have been wise, or would it have been in the best interests of the country? The other course was to provide for such expansion of services, particularly of productive services, as we could afford, and to put every penny we could scrape into a Development and Reconstruction Fund to finance a programme to increase the national income of the Colony and the prosperity first of ourselves and then of those future generations for whom we stand in the position of trustees. The choice I submit was clear: The Government has elected to follow the second course, and I trust that that course will prove acceptable to the peoples of this land. (Applause.)

MR. FOSTER SUTTON seconded.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 14th November, 1945.

Wednesday, 14th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 14th November, 1945. His Excellency the Acting Governor (Hon. G. O. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 13th November, 1945, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

##### NO. 129—COURTS (AMENDMENT) BILL

###### ARCHDEACON DEECHER:

In view of the uncertainty about a possible conflict of Mohammedan law and native law and custom arising out of the application of clause 2 of the bill to amend the Courts Ordinance, 1931, now before Council to areas where there is only a partial Moslem population, particularly when Kadi's courts so constituted are dealing with matters of inheritance, will Government please give an undertaking that the extended facilities which the bill, if passed, will provide will only be applied to the Northern Frontier District until such time as the uncertainty has been resolved as a result of careful inquiry?

**MR. FOSTER SUTTON:** The Government undertake that the extended facilities which the bill to amend the Courts Ordinance, 1931, will provide, if enacted into law, will not be applied to areas other than the Northern Frontier District until such time as any uncertainty regarding a possible conflict between Mohammedan law and native law and custom, which might arise out of the application of the provisions of clause 2 of the bill, has been resolved as a result of careful inquiry.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

##### REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

**MR. VINCENT (NAIROBI SOUTH):** Your Excellency, thinking over your address and the speech of the hon. Acting Financial Secretary, I am led to the conclusion that at least they have the qualities of being frank and straightforward. I do

not think that recriminations do any good at all when we are all here to serve the interests of our country, unless those recriminations are going to produce some result and have been made necessary because of the obstinacy of those one criticizes.

In one of these speeches there is one passage which I think is a most terrible indictment of the system which members on the other side of Council have inherited, and that was the statement made by the Acting Financial Secretary yesterday which, I think it is reported correctly, is as follows: "The great bulk of the famine relief vote of £88,000 would be expended in the Machakos district which, however favourable the rains, could not produce anything more than a fraction of the food required to maintain the inhabitants. Until that district has been rehabilitated it must be regarded as on the dole for the time being and provision for famine relief will be required year after year." I never thought that I should ever hear an announcement of that sort made in this Council, and I believe that it must be entirely without precedent in the history of the Colonial Empire. It is a frank admission that history has now taught us, and events have proved, that the whole of our methods in the past have been wrong, and, as the hon. Acting Financial Secretary reminded us, that prevention is better than cure. I shall return to it during my detailed remarks on the budget.

It seems to me that this budget has now become such a formidable document that, instead of having one poor unfortunate Standing Finance Committee to go into the details of it, we shall soon have to have a series of finance committees to examine certain votes. What actually happens, of course, is that this budget does not mean a thing as to the ultimate result. May be it is different in peace time, but while I have had the honour of sitting here, which has been during the war, one gets the feeling that, immediately the budget session is over, by force of circumstances only, special warrants are asked for, and up and up expenditure goes, and the figure which we first believed to be the final figure is not the final figure at all.

My colleagues and I had a meeting yesterday afternoon, and we went into the question of these Estimates very

[Mr. Vincent] thoroughly. We feel, or at least I feel, in one respect that the budget as framed may, be in some respects top-heavy, and most decidedly in other respects lopsided. We believe, and it has been pointed out by the hon. Acting Financial Secretary very clearly, that the increase in recurrent expenditure has got to be combed exceedingly well by the Standing Finance Committee because my feeling and the feeling of the vast majority of my colleagues, is that the figure of £643,277—the increase in recurrent expenditure—has got to be lowered, if possible, to the point where there is no increase at all. It is very easy to say that, and the Acting Financial Secretary put the matter in a very clear and very fair manner when he said that "the Draft Estimates of Expenditure show a considerable increase, and attention is particularly invited to the increase of £643,277 in recurrent charges," and then he goes on with his paragraph giving the reasons. But we cannot allow the finances of this country to get into the same condition as the soil in the native reserves to-day.

Before I refer specifically to the Governor's message and to your speech, sir, there is one other point which I should like just to mention, and that is that as far as the Education Department is concerned—and my colleagues no doubt will go into this in much detail—there are two questions I should like answered by the Director. One is: What is being done about the girls' high school? I know that something is being done, but what are the plans of procedure to get the buildings put up, and has this Government made any representations to the Colonial Office of sufficient urgency to make it possible that the teachers, of which there is a very great shortage in this country, are assisted to get to this country as quickly as possible?

As was the case last year, I am not going into the details of the Estimates. I merely want to deal with matters of general principle, matters which have arisen from your address and from the speech of my hon. friend the Acting Financial Secretary. It is very evident to me both from the message from Sir Philip Mitchell and from the very outspoken statements made by yourself, sir, that the Government is fully aware of the problems which confront the country,

and we appreciate the fact that you took the trouble, and also His Excellency, of going into such detail in order that the public—and we might be kept fully informed. There is hardly any necessity for me to say that the speech of the Acting Financial Secretary was a very able review of the financial position and the policy which is now advocated by the Government, and I was congratulatory upon it. Inevitably points arise from the Governor's message and your statement, sir. The assurance given by the Governor that a fiscal review will be carried out as early as possible has given rise to a great deal of satisfaction in the country, as we are not satisfied as to the equity of the incidence of taxation as between communities, and we request that when the report is made we shall see the whole of that report, that there shall be nothing hidden, so that we may, as legislators here and as people responsible for the finances of this country, judge the position according to the facts which are produced in the report.

The Governor necessarily dealt at some length with Controls for our primary products. In regard to the latter, I cannot agree with him more, but, regarding Controls, we must face the fact that there is a great deal of reasonable uneasiness because of the continuance of a some of them. I would urge, and I would urge it very strongly, that the hon. Acting Financial Secretary, who is going home on leave, discuss the matter of these Controls with the Trade Advisory Board before he goes on leave, as this country cannot afford to let matters drift until he returns.

You stated, sir, that "we have recently received advice from the Secretary of State to the effect that, except in the case of certain very limited stocks of goods, we may now issue import licences much more freely for goods of sterling origin imported from the sterling area. The position will thus revert to substantially what it was in the early days of the war before it became necessary to conserve productive capacity and shipping space with the object of enabling the maximum potential of the Empire to be devoted to the war effort." This is a most important statement, but cannot this Council be informed of what these mysterious few items are? I think that these

(Mr. Vincent) items should be stated, and we should not be left in the position of having to make applications to the Imports Control and then be told: "Well, I am not quite certain whether this does come under the category of free importations or not; it may be that they do but you will have to wait a day or two." I think we are entitled to know what the position is, especially in view of the fact that other countries, including Egypt, have completely lifted Imports Control within the sterling area, and I think that if Egypt can get relief, we should get that relief. Imports Control, or the result of it, has perhaps been the most baffling, the most perplexing, and the most unsatisfactory of all the Controls, and now, in spite of the fact that it is becoming clear that the work of that Control is to decrease, we are told in the Estimates that it's going to cost us more. I therefore commend this Control to the attention of the Standing Finance Committee because I believe that, especially in view of the news we have received from America that the dollar talks are being speeded up, it may be possible that before this unfortunate Standing Finance Committee completes its deliberations we may be able to remove the greater part of this stranglehold on commerce in the guise of the Imports Control. (Hear, hear.) I realize that until an agreement has been effected between the United Kingdom and the United States of America, we must stand steady; we cannot afford to move, because probably the fate of the Empire for the next 25 years depends upon the decisions which are now to be made.

If Imports Control is going to be lifted I think that we should do something about Price Control, and that all those items which come within Price Control should be examined most closely. We must protect the public in regulating the prices of essential goods and foodstuffs, but with competition again rife, the number of items coming within the Control must be reduced and the number of employees in the Price Control must be reduced. In any case, I think that the nationality of the personnel in all the Controls should be kept under continuous review.

The Governor mentioned African training, and he said: "There seems to be an impression that it is both practi-

cable and indeed quite easy to take par-tially trained men out of the Army and by means of intensive training convert them in a very short time into first-class artisans suitable for civilian employ-ment," concluding that he knew of no justification for such a belief. Well, nor do we. We certainly do not believe it, but we feel that every possible step should be taken to do all we can for the on-training of the demobilized askari. As you, sir, are probably aware, my col-leagues and myself were dissatisfied with the schemes which were finally adopted by that curious body, the Governors Conference, and we accordingly requested an interview with His Excellency and we met him at Government House in July and stated our views. We felt that the original scheme which has been sub-mitted by the Director of Training should be adopted in spite of the difficulties which confronted the War Office. The Governor sent a cable to the Secretary of State informing him of our representa-tions, and I further stressed the points personally when I had conversations with the Secretary of State, and I know the Secretary of State took action and was in communication with the War Office when I was in London. While we share the Governor's view that the impossible cannot be accomplished, we feel that everything possible should be done and we join with him in his statement that "whatever we can do we shall do as vigorously and zealously as lies in our power."

We welcome the fact that the Govern-or, at this early stage of the new Government in England, went to see the Secretary of State, because we value per-sonal contact, and we would make it quite clear that we would welcome here, in our own country, visits from the per-manent officials in the British African Sec- tion of the Colonial Office, as well as the promised visit of either the Secretary of State himself or the Under Secretary of State. (Hear, hear.)

The Governor in his concluding re-marks said this: "You cannot have a higher standard of living on a lower yield from the soil—you cannot get more wealth from less fertility (which, of course, means you cannot retain fertility unless you are prepared to put something back) and you cannot get more wages for less work." We in this country are in the very curious position of paying a low

(Mr. Vincent) for the services which are rendered, and yet I believe that it is per-haps the most expensive labour in the world (hear, hear) by reason of its out-put, or lack of output.

Referring to your own remarks, sir, I do not want to bore Council—and I am sure I will not—in quoting what you said, but I do not like to refer to pas-sages by a reference because Council would not understand what I am refer-ring to, and therefore I am going to quote three or four passages from your own speech and I should like to comment on them as I see it.

After having described the strengthen-ing of the Chief Native Commissioner's office, you made the following extremely important statement: "All this means, *inter alia*, that the Government is build-ing up the necessary machinery for the supervision of the administration of land in native areas, and that it intends to ensure beneficial and proper utilization of the land. The basic conception will be the traditional one that the community has an ultimate concern in the use of the land, and it is proposed to develop the indigenous control which exists in vary-ing degree in different areas, by means of the institution of land authorities based on tribal tradition. Through these authorities the control and use of the land will be directed."

In this paragraph of your speech you mention tribal tradition and although I agree, and I am certain my colleagues do too, that we must recognize tribal tradition, yet in my mind I am very doubtful as to whether or not tribal tra-ditions, or tribal customs, as such, are valid in many cases in these enlightened days preventing the progress of the native peoples themselves, because any mention of native tradition or native custom seems to bring everything which you can- not go. What is the result? The result is that nothing is done. In fact, in many cases it appears that native traditions and customs have been made an excuse to do nothing. I would like to hear the views in this Council of those represent-ing African interests as to whether or not they do not think that we are apt to recognize native customs to too great an extent to the detriment of the native tribes themselves and to the progress of the native tribes.

You then said, sir: "It is only by the adoption of a more enlightened outlook towards the proper use of the land and by improvement in farming methods that farming, both in native and non-native areas, can be established on a perman-ent and prosperous basis in Kenya, and it is the Government's policy and inten-tion to bring about a widespread adop-tion of good farming practices, especially on land which is being made available for new settlement or for resettlement. In many cases comprehensive measures of soil conservation will be a necessary preliminary or concomitant, and the Department of Agriculture intends to accelerate and extend its activities in this direction next year in both the native and non-native areas, as more staff and equip-ment become available." We know very well that you cannot curtail soil erosion, that you cannot effect soil conservation by mechanical means alone; therefore it is very clear that the African himself will have to be called upon to do a tremendous amount to save the soil. Under our present laws or regulations an African can only be called on to work for the community six days in every three months of the year, and I wonder, if the true facts were faced, how many natives even worked six days for the community during a year. In view of the tremen-dous problems which face us in the native reserves, I submit we should make an immediate change and extend those six days to a number of days considered reasonable, right, and just in the inter-ests of the native peoples themselves. I am quite certain, if I know the natives of this country, that the native councils will support us in this idea.

Another long paragraph which I will quote in full because of its importance is this: "As regards the widespread adoption of good farming practices I should like to invite attention to the following passage in the Government's pronouncement in Sessional Paper 2 of 1945 regarding its responsibility for land administration in Native Land Units. 'It (the Government) regards its responsi-bility for land administration as an over-riding one to which indigenous systems of land tenure must conform. That res-ponsibility implies that, as agent and trustee for the people in the various land units, the Government has an obligation to ensure that the land is used in a manner which will preserve its fertility,

[Mr. Vincent]

The Government considers that each Native Land Unit and, in certain cases, each division of a Native Land Unit, must be regarded as an estate, the property of the native community to which it is assigned. In most cases the native community is at present neither sufficiently organized nor sufficiently well instructed to be either willing or able to maintain its estate in accordance with the principles of prudent agriculture in the widest sense. The Government, having in mind that willing collaboration is nearly always more effective than compulsion, regards it as one of its main tasks to assist and instruct each African community in the proper use of its land until it understands the vital importance of its responsibilities in this respect and is equipped to discharge them. The Government recognizes that the conditions of occupation of land must include a condition that the land is not destroyed and that in extreme cases compulsion may have to be used as a temporary expedient. That is a Government pronouncement of Government policy, which must be regarded as a direction to all concerned with native land administration.

This pronouncement is highly satisfactory, and I sincerely hope that I shall live to see the day in which it is given effect to. In the meantime, I must ask what steps have been taken during this past year to conserve soil in the reserves, to assist to save us the millions we shall probably have to expend in unnecessary, in criminal, soil rehabilitation. I would also ask what has happened to the land—and I know my hon. friend on my left (Mr. Cooke) is extremely interested—at Olenguruone; in fact, what is happening now? We want to know what is happening now, not next year, but now, because I was astounded to hear on very good authority that until very recently—in indeed it is not going on at this moment—that in certain reserves in this country natives are carrying ploughs to the hill tops and ploughing down vertically. I submit that that is criminal.

Lastly, in quoting you I will quote something which is exceedingly important, regarding the post-war marketing of native stock: "Before leaving the subject of the proper use of the land I would mention that the Government has for some time been studying the question of

the post-war marketing of native stock. It is a matter of the greatest importance that a properly organized system of live-stock marketing should be started before the present Live Stock Control is abolished. The Director of Veterinary Services has prepared a plan under which a Live Stock Marketing Board with wide powers would be established, and his proposals are being examined." This is very necessary and very vital to this country, as I understand that in the native reserves there exists a high percentage of stock of no practical value at all, anyway farming value, which should have been slaughtered in normal good farming practice, or some of it, years ago. I agree with you, sir, that this budget presents more difficulties than ever. Never have we had to face the position which is so uncertain, so chaotic, financially. No one knows on what level the value of money will finally settle compared with pre-war standards, or whether manufactured goods will recede in price in a year or so. In fact, it seems all guesswork, it is in all guesswork for the greater part; yet naturally there is an increasing urgency and pressure to get things done.

That brings me to your remarks on the Development and Reconstruction Authority, and also to page 181 of the Estimates. You pointed out the importance that the Authority should know what funds will be placed at its disposal for the various lines of development. I will deal with that point now. On page 181 of the Estimates we have a financial statement of the total amount which it is hoped may be available for payment into the fund. This seems to me, for want of a better word, to be for the greater part "phony" finance, or should I say, phantom finance. Let us examine it. Total loans to be raised, £5,000,000. We hope, and with the Railway also, I understand, angling for a two million loan, my hopes are not very strong in that respect. Total grants from the Colonial Development and Welfare Vote, four to five millions; say four and a half millions. What guarantee have we that we are going to get that amount from the Vote? Excess Profits Fund, two millions—what is going to happen if it is not two millions? I have got no quarrel with the Forest Replanting and Development Fund, £400,000, or the balance of the Wartime Contingency Fund.

[Mr. Vincent]

£500,000, if still there, which I take it is. A curious item is the contribution from revenue, £200,000 to £250,000 per annum, which is put at £2,500,000 over ten years. What guarantee have we of this in view of the possibility of a terrific slump and depression in five years' time or, say, three years? That makes a total of £14,900,000. I am sure that hon. members in this Council, if this money is not forthcoming, will very much resent being told "Well, it is only a few years ago that you had 15 millions in the kitty—what has happened to it?" What I want to know is, can the hon. Acting Financial Secretary give us an assurance on behalf of Government that these figures can be relied on? If so, upon what does he base his guarantee?

Your reference to Sessional Paper No. 3 of 1945 regarding the activities of the Member for Agriculture and Natural Resources makes it necessary for me to explain to hon. members of this Council that the hon. Member for the Coast had intended to give notice of the following motion: "That this Council views with the greatest concern the continual destruction of the land and water assets of this Colony and calls upon the Governor to take immediate steps, not merely to pass laws to protect and restore those assets, but to see that such laws are sternly and drastically enforced against offenders of all races." He is awaiting the outcome of this debate before deciding whether or not this motion should be submitted to Council at this juncture. As I have pointed out before, we seek answers to our questions, and I am sorry that the hon. Acting Financial Secretary that yesterday thought it was possible that anything said in the budget debate should be lost in a mass of verbiage, because we do take this session very seriously. The public want to know what the Press do on, and apparently some of the answers as well, and if our questions are ignored or we are dissatisfied with the answers given then a motion will be tabled in order to extract the necessary information.

National Parks. It is a matter of great satisfaction to me as chairman of the trustees to know that Government realizes that the work of the trustees can be of inestimable value to the country, and I hope we shall prove it. In fact, I

know we are determined to, and I hope the Standing Finance Committee will make certain that we shall not be regarded in our work.

London Office. I shall refer later to the East African Trade and Information Office in London, but I do think the name should be changed to East Africa Office or to the Office of the East African Commissioner. Now that we have a Commissioner in the person of Mr. Norton, we must lift the status of the London office; we cannot leave it as it was if it is to be of any use to this country at all.

There are two further points in your address, sir. The first one is, can the hon. Acting Financial Secretary give any reason, any valid reason, of course, for the very long delay in the introduction of a Contributory Pensions Fund Ordinance which we are now promised early in 1946? The other point I was very glad to hear you mention was mining. Can Government at this juncture—and it is a very important question—give us details of what is going to be done for mining as gold production is again so vital to the British Empire? I understand that Rhodesia has taken this very much to heart, and are giving good assistance to prospectors and others of good character and so forth in order to encourage and so forth in inter-territorial gold mining—is there any inter-territorial set-up? Are we going to be submerged again into an inter-territorial arguing shop shall we call it for the sake of something better? Few people realize the great importance of mining to this country, and few people have examined the figures. The average yield for the last nine years has been to the value of £458,000 per annum, and although in the years 1943 and 1944 the numbers of Africans employed fell to 5,202 and 4,140 respectively, the average number employed by the mines for the last nine years was 6,205 per annum. Here we have an industry which is most important and which needs every encouragement, but the curious point is this. I have heard it said very recently continuously on all sides, from our side and the Government side, that we must relieve the great pressure on the reserves, we must have secondary industries in order to relieve the reserves, and yet for the last 30 years there has been a labour shortage in this country. So how do you

[Mr. Vincent] reconcile the two points of view? How are we going to relieve the reserves, and are we going to get the labour if we have the secondary industries? That is the curious point.

I will take the hon. Acting Financial Secretary's speech in association with the Estimates and deal with the question of general principle arising therefrom. As the mover, he introduced many aspects of great importance, and some of them necessarily provocative. Let me begin by referring to page seven. I am indebted indeed to the hon. mover for the very clear statement of his budget, but the item (c), widows' and orphans' pensions, is incorrect as I see it anyway, as in the answer to my Question No. 97 of 1945 I was told that the contingent liability, including interest-earned, was £800,000 or thereabouts, and I think this figure should be reflected in these Estimates instead of the figure given; it should be £800,000 instead of £523,783. With reference to paragraph (f), in which it is shown that the sum of £2,582,867 "would be required to be paid into the sinking fund for 1946"—I love that wording by the way—I should like to know what policy Government intends to follow in regard to the repayment of our loans, and if they have considered the possibility of conversion, or will the cost of such conversion be too great at the present time.

Productive services. The hon. mover has very rightly pointed out that Government has sought to provide as much as possible for productive services. He also pointed out, and I sincerely agree with him, that at all costs we must prevent the necessity for a programme of drastic retrenchment in the near future, and invites criticism to be directed towards him rather than towards heads of departments. Well, in the course of this debate I am certain that both will happen! (Laughter.)

Page 29 of the Estimates, private secretary to the Governors: Touching very briefly on the details of the Estimates, which will no doubt be handled in much greater detail in the Standing Finance Committee. I would like to refer to this item of expenditure. I think from the very excellent services which were rendered by Major Holland Martin, who has now unfortunately returned to Lon-

don, we have had ample demonstration of how important this post can be, and in my opinion should be, and I would like the Standing Finance Committee to give attention to this item. I consider that £450 per annum, even after adding the 50 per cent hidden emoluments, is hardly a salary likely to attract the right type of man to this very important post. The hon. Acting Financial Secretary is smiling on the other side of Council because I am doing the very thing he said we would do, but I have already told him that I consider the budget too heavy and lopsided, and he will perhaps find in the end that some of the finagles is incorrectly placed.

Administration, page 32: I cannot understand why the four assistant directors of agriculture should appear under Administration. Surely they should appear in the Agricultural Department estimates and so be responsible to the Director of Agriculture and through him to the Member for Agriculture and Natural Resources. The hon. mover drew attention regarding Kibera to the fact that provision has been made for the proper administration of this village. I should like to know when this "proper administration" can be expected (laughter) because although murders have become less frequent on Nairobi golfcourse the local residents, though admitting that things are a little better, feel that especially during the weekends, very much stricter supervision is necessary. And I should like to inform the hon. Chief Native Commissioner that Bula Bula in the Masai reserve on the Ngong Road still remains a plague spot in more senses than one.

Forest Department, page 75: I listened with very great interest to the broadcast of the Conservator of Forests the other evening in which he described his department as a great asset to this country to be developed for the country, and he even took exception to "forest reserves"—he preferred "forest areas." The Forest Department has produced an enormous amount of revenue for this country, and the Conservator stated it should go ahead and be developed on the largest possible scale. But there is one point that I quarrel with the department over, and that is this: that they destroy a great many of our roads in proximity to the forests, especially during the rains, and will not pay a penny price or make any effort

[Mr. Vincent] to put those roads back into order. I think we should press for the Forest Department to at least keep up the roads they damage in the vicinity of the forests in proper order, because I know one case where people have been literally cut off from the outside world by car, and although the hon. General Manager is present, they have had to go by railway at most inconvenient times. (Laughter.)

Labour Department, page 83: This is where I think some of the lapsidness comes in in these Estimates. Hon. members will be aware that during the budget debate last year I stressed the importance of developing the Labour Department and the importance of the status of the head of the Labour Department, and also of the officers operating this department, and I may as well say right here and now that I am totally dissatisfied with the Sessional Paper No. 3 of 1945. The hon. member has been frank in stating that he has been the cause of cutting down establishments, and the recurrent expenditure shows that he had very great reason to do so, and he has cut down the establishments asked for by heads of departments. But in two departments, the Labour and Provincial Administration, I consider that he made a very grave error. These two departments must be two of the most efficient departments in this country, otherwise all else is likely to fail. My detailed criticism of the Labour Department estimates is that although I stressed that the status of the Labour Commissioner should be high, I see that he is still under the thumb of a provincial commissioner, and therefore I consider that in his position it will be impossible for him to do the work, anyway that we expect of him. With regard to the labour officers, all 13 of them, I consider that to get the right type of men who have to mix with every people of the community, who have to use a great deal of tact, who have to have a great deal of understanding, I consider they should not be on any other terms or basis than that of district officers, otherwise I am certain that this department is not going to be strong enough.

Associated with my remarks on matters of general principle, I want to draw the hon. mover's attention to the fact and to his confession, if I heard him right, that the hon. Chief Native Commissioner

wanted a much larger increase in his staff than is provided for in this budget. Unless we have a strong provincial administration we shall have more £80,000 per annum reserves on the whole. This provincial administration must be willing to do its work in collaboration with the Labour Department. If not, we shall never get anywhere in my opinion, and the Member for Agriculture will certainly not be able to undertake the tasks which confront him at the present time. It would be quite an impossible position. It is no use making comparisons with the old establishment. History has taught us to-day, in fact, and we all agree, that the old system has been wrong; it has been on wrong lines altogether, as evidence on results to-day. So do not let us compare our figures to-day with last year's figures or with the figures some years ago, because that is the time when the soil of this country was disappearing. I am well aware that all this soil conservation work, all the work of the Provincial Labour Department and of the Provincial Administration cannot be done well without the co-operation of the natives of this country themselves, but I am certain that if we have adequate staff to handle the reserves and make the Africans understand the reasons for the schemes which we must put into operation, and which are entirely in their own interests, they will respond accordingly. Therefore, I hope that the Standing Finance Committee, while they are trying to cut down recurrent expenditure from £600,000 odd, will see that we must do first things first, and, once again, "prevention is better than cure."

Public Works Department, page 128: Hon. members will also be aware that during the budget debate last session I advocated in the strongest possible manner that public works should be done by contract whenever and wherever possible. The hon. mover's reference to the Public Works Department makes it clear that it is the intention of Government to build up a huge department to carry on the work departmentally. It may be that there will have to be a slight extension of the Public Works Department, but I should deprecate any idea of the Public Works Department undertaking work, whether it be maintenance of buildings or machinery or construction, until Government has exhaustively ascertained whether or not the trade are pre-

(Mr. Vincent) —pared to do this work on a reasonable basis. We must steer clear of building white elephants in this country, and we must steer clear of creating further recurrent expenditure. If the trade and civil enterprise is willing to face recurrent expenditure and to do this work at a proper price, they should be allowed to do it.

Conference of East African Governors, page 63. In speaking in this Council on the 4th January this year, referring to the Governors Conference, I stated the following: "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." Nothing has taken place in the meantime to make me change my mind, and had it not been for the fact that I became aware that earnest discussions were taking place regarding the Governors Conference and the relationship of these four territories, and that it was possible that proposals would be made in this Council for much closer association of the four territories, I should have given notice of a motion at the last session of complete no confidence in the Governors Conference as at present constituted, and indeed, unless proposals are brought before this Council in the very near future, that self same motion will be tabled in order to draw the attention of the Secretary of State to the very unsatisfactory conditions existing at the present time.

Trade and Information Office, page 140, item 6: Dealing with this matter I would also refer hon. members to page 158, item 24, Information Office. The latter vote has increased by some £5,000 and has now reached a record high of £24,543. I see nothing in the memorandum as to why that went up by £5,000. I should like to know why it went up. I am aware that on page 140 the Trade and Information Office Vote has gone up from £534 to £5,000, and the reason for that is very evident, but in view of the

very great importance of the Commissioner's Office in London, I would ask the Standing Finance Committee whether a very important function of the Commissioner's Office in London is not "information" and, instead of spending £24,543 in this country, or wherever it is spent, the Information Office should agree that an amount of at least 25 per cent of their vote be transferred to the Commissioner's Office in London, from where most of the information regarding this territory is sought. I do not think we can over-estimate the very great importance of the London Office to this territory.

On the question of taxation, the mover told us that he would strongly oppose any material reduction in taxation, and stated that unless this Colony is prepared to subject itself to high taxation we can write off all prospects of future advancement. I want to ask the hon. mover in reply to let me know his interpretation of a statement made by the Governor in Hansard, Vol. VIII, Second Series, 1939, page 35, in which it says: "The surcharges proposed in the case of income tax and non-native poll tax will be dealt with by a bill to be introduced at the next session which, if enacted, will remain in force for the duration of the war and one year thereafter." I should also like him to tell us "we all want to know this too—what is his idea of high taxation. I cannot let the statements made by the hon. member go unchallenged, and I should like to state, lest it be thought that we agree with him, that we do not. I want to make that quite definite; we do not agree with his views, that we will await the result of the fiscal review promised and therefore, I repeat, are not prepared for a moment at this juncture to agree to any such statements as were made by him. I hope I have made myself quite clear.

Finally, during the last budget debate a Government spokesman, replying to me on the question of elected members and their association with post-war development, stated as follows: "I do think that it is of the first importance that the elected members and the Government should be in full partnership over the development of this country. The problems with which we have to deal are serious, how serious many of us do not realise at the moment, and we need the best advice we can get in coping with

(Mr. Thakore) —them. Mistakes may 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."

We emphatically agree with that statement, but in any partnership that partnership must not only consist of the tendering of wise advice, but seeing that action is the result of such advice, and in the present critical state of this country I can assure you that we are determined to be in full partnership with the Government over the development of this country, and so determined are we to save the soil of Kenya, and so to save Kenya, that we shall be unremitting in the energetic pursuit of this result. We cannot, and must not, fail and we look to Government to complete the partnership, not only by making important pronouncements, but not only by producing sessional papers, but by having the courage and the conviction to see that they are carried out. (Applause.)

MR. THAKORE (Central Area): Your Excellency, now that the war is over in both spheres—in Europe and the Far East—although there are other disturbances in different parts of the world that we read of in the Press every morning, we are coming down to earth more and more with our day to day problems. We have before us the first post-war budget introduced by the hon. Acting Financial Secretary in a very able way. I cannot help but congratulate him on the very clear exposition of the budgetary position of the country. There is no doubt about it that in the post-war period we about to incur a certain amount of expenditure in order to build up our economy, and on the strength of the economy that is built up will be made the improvements in the standard of living of the population generally. It will also be seen what contributions the members of all three races can make towards the improvement of those standards and in contributing to that economy.

Coming to the question of land settlement, this is becoming an annual show, and the demands are repeated every year. So far as the land settlement of the Indian community is concerned, since the Indian members spoke 12 months ago on the floor of this Council, no appreciable difference has taken place from

the situation as it was then. A demand was made by my hon. friend on my right (Mr. Patel) for the appointment of a settlement officer, and in making a similar demand I went a step further in saying that if settlement was to be taken in hand seriously it was essential that instead of relying on the Indian Land Settlement Board to take the initiative in the matter, the Government should do so by appointing a settlement officer, by so detailing technical officers of the Crown, like irrigation experts, survey parties, soil chemists and people of that sort, to look round and put forward a scheme for adoption by the Indian community for their settlement. That to my mind seems to be the most practical approach to the problem. The other method is likely to be dilatory in so far as the Board has not been appointed; it is awaiting the sanction of the Secretary of State apparently. I would urge once more that without delaying the question any further and making it more acute, it should be taken in hand immediately and the first foundations laid whereby the first batch of Indian settlers can go on the land and make an effective contribution to the proper economy of the country. If that is done it will surely increase the productive wealth of the country, and incidentally contribute to the improvement of living standards. Whatever they can produce, it will be very welcome not only in this country, but outside where millions of people are suffering from hunger.

Turning next to the question of Indian education, although we ought to be grateful for the provision in next year's budget for an Indian girls' high school to be built in Nairobi, an Indian primary school to be built in Nairobi and another school to be built at the Coast, primary school to be built at the Coast, I want to lay particular stress on this aspect of the problem, in spite of the comments made by the hon. Acting Financial Secretary, that boarding-facilities must remain available to Indian students in the outlying districts. The Indian population has been making considerable contributions from their own pockets in providing educational facilities. They would be prepared even in the future, if Government brought forward plans—large scale plans—also to contribute financially towards those plans. But on account of the many years of leeway that have to be made up, the

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problem should be attacked as a long range one and large scale contributions should be made in the first few years to provide those facilities. Not every parent could afford to send their children to Nairobi for schooling, nor do we want to see Nairobi schools crowded, and for that reason it is essential that boarding facilities should be made available in places like Nyeri, Nanyuki, Thika, Nakuru, Eldoret, Kisumu and other centres. If that is done, I am almost certain that members of my community will make financial contributions to a certain extent in order to meet their share.

There is one other point in the question of education. In regard to grants-in-aid, I observe that grants-in-aid in respect of European education are made on a different scale from that in respect of Indian education. I should like this question to be further examined and sufficient grants should be made to enable grant-aided schools to cope with the expenditure, instead of a large proportion of that expenditure coming from the parents and from the pockets of the few parents who are helping to run those schools.

Next I turn to the delays in the Land Department. There is one acute problem that has been on the files of the Land Department for the last 33 years, and that is the question of the shamba leases. These expired in 1913, and although numerous Governors have approached in order to solve this problem for some reason or other—and because of shortage of staff during this war—the problem is still where it was and the original leases, people who leased the land from 1903 to 1913, are still without an extension of their leases. I do seriously suggest to the hon. Commissioner of Lands that before he retires at the end of this year he will actively take this up with his successor and solve the question by offering leases to the owners of these unexpired leases. Delays of this sort are holding up development on all sides; it is holding up progress. Now that the war is over it is very essential that steps should be taken to expedite the work in the Survey Department in that direction.

Turning next to manpower, now that the war is over the word "manpower"

does not signify the same as it did during the war, and men are not required now either for the prosecution of the war or for the furtherance of projects due to the war, and a great deal more latitude can be given by doing away with some of the activities connected with the Manpower office.

I for one, who have something to do with the running of a section of that office, know that the actual manpower work in that office is very small now. A large number of releases here and there are received, either from civilian employees of the military, or from clerks and employees in reserved occupations or other employment with firms, on farms or in industrial undertakings. The stage has been reached now when the manpower regulations ought to be removed, and the office should be closed down, and people who are urgently required for carrying on work like demobilization and reabsorption can either be left in a restricted manner under reserved occupations, and the rest of the activities should be removed from the reserved occupation regulations. I particularly refer to private firms, banks, and other institutions and the civilian clerks in military offices, apart from the Paymaster's office and the Record office. Even the Railway could afford to do away with reserved occupations, especially as people will be looking forward to permanent employment now and will not want to leave their jobs and go away for the pleasure of it. One particular point connected with this is that after a stay of five or six years in this country everybody has family and social commitments elsewhere, and they must go; that can only happen if these restrictions are removed. I am confident in my own mind that with the fear of unemployment plying in the minds of most employees, no one will want to leave his job, unless it is most essential for him to leave, and go overseas. For that reason I particularly ask for these regulations to be now removed and the population working under reserved occupation made free.

I next turn to some of the Controls. The hon. Member for Nairobi South in his very excellent speech has made considerable reference to the abolition of Controls. He started off with the Imports

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I cannot agree with him more than the very forcible manner in which he has presented the picture. There is one detail in that connection, which is that merchants are now more anxious to dispose of any stocks they have at whatever prices they can get for fear of the next consignment coming in being offered at lower prices. They do not want to lose money on their stocks. There is another factor, competition. Now that all countries in the world want to build up their export trade, goods will be flowing from overseas (and the first opportunity taken of sending goods out, so that Imports Control is now an artificial matter, and there is no real necessity for control: It ought to be removed at the first possible opportunity, possibly before the end of this current year. Other countries also are wanting to export and send goods of well-known makes to this market, and merchants do not want to be left with either locally manufactured goods or goods that have been coming from only one source so far which in quality do not compare with the quality of the goods from overseas. For that reason also there seems to be no necessity any longer for continuing Imports Control. There has been a lot said on the question of confining the removal of the control to goods from the sterling block. If no dollar exchange is available, if that is the fear, how is anybody expected to import from the dollar countries? That also strengthens my argument that the continued running of the Imports Control office is not necessary because it is automatic; the getting of goods would be automatic and dependent upon the necessary exchange.

Coming next to Price Control, I personally do not see the necessity of a continuation of the Price Control organization. The fear has been expressed that the removal of Price Control would lead to inflation. I think it is common knowledge that people are holding their hands against making purchases these days, especially since the war against Japan was over in August; for if they can do without a thing they will not purchase it, and that has a very particular effect in bringing down prices, as well as the other view I expressed a few moments ago that merchants did not want to be left with stocks when the next consignment might be down in price. Every-

body expects that prices will go lower and lower as time goes by, and for that reason the necessity for the continuation of this Price Control does not remain in any case. If on expert examination it is found that a small measure of that Control is necessary, I am sure the Standing Finance Committee will go into great detail in the matter and reduce that organization to a skeleton.

Building Control is the next thing I would like to speak about. It was originally instituted in order to cater for the requirements of the military in the way of buildings, furniture, etc. That requirement has been removed, there are hardly any military contracts in the building line going on. I hear that all furniture contracts have come to an end, and with the freedom of cement and other building materials and local timber which were largely taken by the military for their requirements, I am certain in my mind that the same necessity does not remain for a continuation of the Building Control organization. There is an acute shortage of housing for all three communities, and although a quota was given for civilian use in the working of the Building Control, I do not think that now it is necessary, especially bearing the other factor in mind, namely, that nobody wants to go in for building at the present high costs if they can avoid building unless it is absolutely essential for them to have a building of their own. That factor in itself is a deterrent to either speculative building or luxury building; and I for one am serious enough to suggest that the Building Control should be removed immediately. Once that is done, only people requiring the most urgent buildings will be able to build, and it is not going to have effects of the kind feared.

A fiscal review has been promised. Speaking of that, I think it is generally recognized that such a review ought to take place not only in the finances of the central Government but it has to take place in the finances of local government as well as the finances and administration of private enterprise. With the introduction of war I am almost certain that of the war I am almost certain that everybody is exploring all avenues and facing normal budgets or normal expansion of business. There is one point I want to make, and that is on the question of subsidies. Although the Settle-



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ment and Production Board has during the war performed excellent work, subsidies have reached a very high figure. There are breaking grants, grants for fertilisers; there is the machinery pool where machinery can be hired out at below cost; Stockfeed Control, which is made out to be essential by the creameries and stock owners' organizations. I do submit that all these institutions should be handed over to the associations that are looking after the various agricultural activities in the country, and not be left in the hands of Government to run. Trade has been able to cater for the farming community—the K.F.A.—there, the Co-operative Creameries is an organized institution, and they should be more and more relied upon to meet the requirements of the farming community instead of Government continuing to subsidize all or any of these institutions. In saying that I am only supporting the remarks made by the hon. Member for Nairobi South, although in another category, though he laughs at the remarks I am making now. He wants private enterprise to undertake contracts, and the same should apply to any other activity of the country.

Having said this, sir, I earnestly hope that the coming months will be months of greater co-operation among our communities and that relations will be better, and we can look forward to more prosperity in the country, with better rainfall than we are expecting and, generally, that conditions may become better for everybody. I support the motion.

MR. MATHU (NATIVE INTERESTS): Your Excellency, I look upon the budget session as a very big opportunity to those representing the African natives of this country, for it is in this session when people can say twice as much as they can ordinarily, and the restrictions are removed in the debate on the budget, even to the extent of digressions. For us—I refer to my hon. colleague and myself—we find it very difficult to cover the ground even then, because it is not easy to divide the subjects among ourselves so that one does one bit and the other another bit, whereas the European members, 11 of them, can divide the departments to each person. The Indian and Arab members can also have a department each and criticize it if necessary.

When it comes to us, we find it extremely difficult, and the temptation is for one to take two hours to say all we would like, and leave it to Government to say this cannot be done and all the rest of it. That is the position I am in this morning, and I am sure my colleague feels the same as I do. However, if I appear a bit long I am sure Your Excellency will understand the position, and that hon. members will excuse me if I happen to bore them by some of the remarks I am about to make.

I should like to refer in the first instance to your communication from the chair, sir, and to the remarks you made. First, on the question of African land and its administration and, secondly, the proposals about the Live Stock Marketing Board. I consider these are extremely important because they form, as you know, sir, the basis of the fears of the African people for the security of their land at the present moment, and it is important that we should be very clear what we mean when we talk about the administration of African land and the rest of it. I agree with your remarks when you say that Government intends to ensure the beneficial and proper care of the land. That is what every African in this country would agree with. You go on to say that in most cases the native community is at present neither sufficiently organized nor sufficiently well instructed to be able to maintain its asset in accordance with the principles of good agriculture in the widest sense. There again I am with you but, as I remarked on another occasion in this Council, when we talk about African land the most important fact that the people would like to get out of Government is that the land that the Africans hold at the present moment is absolutely secure.

In the last session of Council, in July, I made that point, for on the 20th July in my speech when we discussed the Sessional Paper No. 3 of 1945, I said this: "The African is very conscious of the importance of keeping his land and he is also conscious that the land is the mother and father of all human beings. He is also conscious that he must feel his land is absolutely secure—I say absolutely secure—that the boundaries already established will not be impinged upon under any circumstances." Your Excellency, I do not think I need stress that fact with greater force, because if I

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could add greater force I would put it in front of this Council this morning to emphasize that unless the African land is absolutely secure the economic security of the African is not to be found anywhere else, in my opinion. I agree, as I have already stated, that when that security is ensured absolutely, that the land must be utilized in the proper sense, and utilized properly, so that the soil and fertility of the land is not destroyed. That, I am sure, is what the African in this country is very conscious of at the present moment.

Remarks have been made before in this Council, and even to-day, by the hon. Member for Nairobi South, with which I entirely sympathize, when he says that there is pressure on the African land and that we must relieve that pressure. One of his suggestions is that we should encourage secondary industries, so that a large number of Africans might be drafted from the land and put into industries. There, again, I say that I have no reason to say that should not be so. The only thing I am not satisfied about, and I remarked on it on the 20th July last in this Council, is that the conditions of service for the labourers in these industries, proposed or existing, are such that they do not give the Africans any chance of raising their standard of living. The wages are meagre, absolutely below the subsistence level—Sh. 6 a month is not enough, nor Sh. 8. Because of what I know, I feel hesitant to say that we may tell the African to get off the land and go out to industries. Social security in industries and employment at the present moment are very unsatisfactory, and it is for that reason that I feel the African will hold on to his land until conditions of employment in this country and the wage level are raised to such a standard that a man and his family will be able to live decently like human beings. That is a factor which I consider to be very, very important.

Another suggestion of relieving the pressure on the land has been African settlement. There is the suggestion of using Makueni and land at Taveta, and there are other schemes also, I suppose, under consideration. I believe that those two should be carried through and encouraged. There is also the question of land leases referred to by the Eldoret

meeting recently, on which appeared in the papers opposition from some sections and encouragement from others that land leases should be made. It may be called a gesture—call it what you like, but I think it is absolute political wisdom a thing of that kind, particularly when the position in the Kamba country is such that, as we heard yesterday, the Wakamba in Machakos area are on the dole. Surely we should not allow a situation like that to continue. Therefore, before I leave the subject of the land, I should like to quote one sentence or two from a recent publication about the Kikuyu lands, and to say that the Kikuyu people are at present very disturbed about the proposals which are contained in this document and which have been published in the local Press. I have suggested that these proposals may be very harmless and that a careful and systematic approach by propaganda over all these proposals should be undertaken before any action is taken so that the people should know thoroughly what Government intends to do. That at present has not yet been done. I suggested very strongly that as far as the Kikuyu land is concerned, a very, very broad dissemination of information should be given to the Kikuyu people so that they might not think that Government has any ill intentions in regard to proposals for improved farming and farming practice in their land. The Kikuyu are very aware that the land must be improved, that the agricultural methods must be improved—they are perfectly aware of soil conservation measures going on in these lands to-day, testifying to what I have said.

The document to which I have referred says: "That the Kikuyu is already alive to the need to conserve the soil is shown by the widespread response being made by terracing propaganda. Moving about in the reserve one is continually coming across areas that have been put under terraces. Again grass planting is being adopted as a practice and its wide acceptance may be being hindered only by the excessive demand for arable land." That is a statement from a Government officer who has known places, and a statement like that is helpful to some not well acquainted with the position of the Kikuyu land to-day, who may say that the Kikuyu does not want to cooperate with Government or to do any

[Mr. Mathu] thing to improve his land, and it does dispel any suspicion along those lines.

There is also a suggestion—another which is connected with this Kikuyu lands report—that the lands which were lent by the Kikuyu at Karatina for the dried vegetable factory, Government is intending to remove from the Kikuyu. I know that is not the intention, but there again the suggestion of the factory getting into the hands of a European firm from England was not explained to the people so that they knew exactly what the Government intended to do, and the rumours at the present moment are that the Government is not going to adhere to the agreement that was made before the war that, when that vegetable land was no longer required because of the war effort, it would be returned to the Kikuyu people. The Kikuyu people in that area have definitely put before the Government that they want their land back, and if they want to grow vegetables they will grow them and sell them to any factory or factories that may be there, but the land must be in their hands. That is a very important factor, and I should like to see the Karatina situation, as well as the Kikuyu land question, and the methods that Government proposes to take in regard to the transfer of the Kikuyu lands, fully explained to the people beforehand. If it is not explained to the people beforehand, it will be only an imposition of the ideas of the Government on the people and the people will not co-operate.

In that connexion I should like to refer to a very important document which was also referred to in Your Excellency's communication from the chair. I do not want to dwell on that very much, but I should like to suggest that it was stated there that these Africans are not sufficiently well instructed. If we instructed the people in the ways in which we want them to change their traditions and customs, the demand for change would be from within, and if the demand is from within, then we will have less agricultural officers, less veterinary officers and less all the other officers, because there will be very little to explain and the people will do things by themselves. But now, because we have not got the people with us, in the sense that we have not educated them sufficiently so that they

have the urge from within, we have to employ staff in order to get them to move. It takes almost the same number of officers as there are African men in the country to get them to do things. Surely this budget would be a different one if that was the case, for we would have to allow for personal emoluments and all the rest of it for all these officers—one officer per African man. It is for that reason that you say that we have not been able to instruct the African. I suggest that that statement does not fit in very well with the remarks which were made by the hon. member very strongly yesterday, and that was that African education must be curtailed—remarks which I should like to deal with in due course! [Laughter.]

As regards the Live Stock Marketing Board, that is another matter which directly concerns the African people very closely in that the African values his live stock. Actually, he has almost a religious attitude towards cows and goats and things of that kind. I consider that the move to improve the breeds of the live stock of the African community and to improve his land is absolutely sound, but I suggest that we must again educate the people; we must tell them that they must have less stock but of good breeds, so that they may get more from them. In other words, instead of having what I might call a religious attitude towards cattle, they will have an economic outlook towards cattle, and they will realize that unless a cow is going to produce sufficient milk either for the family or for sale, and if a cow or a bull is not going to produce good meat for consumption, either by the persons concerned or for sale, then it has lost its value. I know that millions of Africans do not know that; they still have a religious attitude towards their live stock. Unless we change that, through education the hon. Director of Veterinary Services and his department will have a very hard time, because they will have to do the job themselves and the people will not co-operate.

Again, in that connexion, if this Live Stock Marketing Board is aiming at the complete extermination of African live stock—which I hope it is not, but if it is, as has been suggested by the recent conference of district councils when it was stated that they had a five-year plan

[Mr. Mathu] for exterminating the squatter cattle—if that is going to be the move for the administration of the Live Stock Marketing Board I am sure the African will be very much against it. I hope it is not the intention. There again, I should like to suggest that, whatever action is taken by the Marketing Board, it is important that the co-operation of the people should be enlisted and compulsion should not be the guiding principle. If they are compelled to cut down their live stock by 50 per cent or 100 per cent I believe there will be commotion in this country, a thing which I am sure nobody would like to see happen.

These were the remarks I thought I should make on your admirable communication from the chair, sir.

I have two remarks I should like to make on the very able speech of the acting Financial Secretary. He made a very disturbing statement regarding African education. The budget before the Council does show some slight increase—I say slight increase—in comparison with the demands and needs for the education of the African, more than 90 per cent of whom have not the slightest smattering of education. He said that the position is so alarming that the question of improving the salaries of African teachers, according to the proposals made by the Advisory Council on African Education, could not be entertained and that he has some other alternative proposals. That is a very, very grave position because it is a vicious circle. We want education, we cannot have it without money because the people do not earn more; we cannot have the teachers because we have not got the money to pay them; we cannot have education without teachers because the children cannot have the teachers to teach them. Instead of trying to encourage these African teachers to keep on at their job by giving them a slightly better standard of living, the hon. Acting Financial Secretary told us yesterday that the proposals which had gone to Government from the Advisory Council on African Education were quite unacceptable. That, sir, is a very dogmatic statement to make, particularly in a case like this when we want Africans to be educated.

I should like just to quote a bit because it is so important. He says: "African education showed a major increase"—I

question that word "major"—"much of which was due to increased grants to aided schools. Moreover, a revision of the terms of service of African teachers had been proposed. The revision would add very considerably to the bill and would make heavy demands on local native councils. In fact the cost would be such as to retard the development of African education for several years. The proposals were therefore quite unacceptable. He was trying to devise alternatives, for a revision was, he was satisfied, necessary." That is a bit hopeful because he does realize that a revision of salary scales for Africans is necessary. If it had not been for that I should have taken an even graver view of the statement than I have done in this case. I should like to suggest that Africans I should like to suggest that the Acting Financial Secretary and the hon. Director of Education are going to propose, in regard to the improvement of the salary scales of African teachers. I do know that there are great difficulties, but teachers can be public spirited up to a point.

In that connexion I should like also, while I am dealing with teachers' salaries, to refer to the Commissioner who was appointed recently to go into the question of the civil service in this country. He produced a report and in that report he has made certain welcome recommendations, but there is one thing I should like to mention, and that is that the position of African civil servants has been left almost as it was, apart from recommendations on pensions. The salary scales stand in some cases even worse than they were before. I made a suggestion a year ago, which was supported by quite a number of people, about a unified non-European service. On that, around the Commissioner said: "I have examined this policy, from every conceivable angle and from whatever point it is viewed the same answer is reached in the end: that the salary paid is the value of the work performed. In that case there is no necessity to have different scales for different nationalities. If the value of the work performed in the lowest scales is not worth more than the amount offered it is not unfair to say that whoever may be appointed to do that work should not receive more money on grounds which have nothing to do with work values." One agrees

[Mr. Mathu] entirely with that recommendation, but when you look at recommendation 19 about salary scales, which are numbered "A" to "K," you find that "A" salaries are paid to Africans, "B" to Asians and "C" and "D" to Europeans. The others are for the unified service salary scales which I do not understand, and when they are lumped together in Appendix B of that report—Africans "A," Asians "B," and Europeans "C" and "D"—we find that there is no relationship between that and paragraph 107, this recommendation about work values and the salary scales suggested, and I should like to suggest that Government should examine this matter very closely.

My colleague on my right (Archdeacon Beecher) put a question the other day, about the dissatisfaction existing among the members of the African Civil Service, and the reply indicated that there was nothing that was definitely known as to what was going to be done to improve the salary scales for African civil servants in all Government Departments. That is a serious situation, and I should appreciate it very much indeed if Government would formulate definite proposals so that these African civil servants may know exactly where they are.

In that connexion I should like also to make a general statement regarding the employment of Africans by Government Departments. Going through the expenditure estimates, one looks up the provision for personal emoluments for the African civil servants in various Government departments. The K.U.R. and H. for instance, Africans say are the people who encourage Africans to go on to the higher levels, right up to the position of stationmasters. The Post Office is also popular, but Africans have to work some time before they become sub-postmasters; they should be able to become postmasters. The Medical Department is not bad; it does not employ large numbers of Africans going up to the grade of assistant medical officers, although Africans are looking forward to the time when they will become medical officers. With regard to the other departments, we are not quite sure whether they really encourage Africans to go up the ladder according to ability. I do know that there are Africans in Government departments who are very

able and who have produced standards of work equal with Europeans and with Asians, but they still get very low pay. I should like to suggest to your Government, sir, that this position should be improved, that Government must be more generous in giving appointments to Africans. They will be cheaper in any case, and will be actually as efficient as any other member of the civil service.

The final point I should like to make in regard to the speech of the hon. Acting Financial Secretary is in regard to African taxation. There again, proposals have already been formulated in regard to taxing what the hon. member calls the rich section of the Africans. He says: "Native poll tax was up because of the demobilization of askaris which would render them liable to pay tax next year in many cases." It is generally admitted that the present system of poll tax is unsatisfactory in that it imposes an equal burden on the rich and the poor. There are in fact a very great many well-to-do Africans who, because of the unfortunate incidence of this tax, pay very little in relation to their taxable capacity. We have designs"—this is the point—"We have designs on these gentlemen and I hope that it will be possible before very long to introduce a form of income tax suitable for application to African." Notice this: "Proposals to that end have already been formulated."

That is a major question of policy, and if Government has already made proposals to change the system of African taxation it is essential that such proposals should be given the widest possible publicity so that the African people may know what is in store for them, and when designs—I do not like that word "designs" when designs have been made already on these gentlemen it is important that these gentlemen should know what these designs are! (Laughter.) They will then be ready for them, but at present proposals have been made and we do not know anything about them. These proposals first came to my notice yesterday. I should not like to see a repetition of the trouble they had in Tanganyika recently when they introduced a bill imposing a system of graduated poll tax for Africans. They had a lot of trouble, and I should not like to have that trouble here, and they had trouble there because there was not sufficient publicity given

[Mr. Mathu] to the Government's proposals. I should like very much indeed to see these proposals published; let us see what they are so that the gentlemen may be ready for them. (Laughter.)

I now turn very quickly to a few remarks—I hope they will be few—that I have to make on the Estimates. I agree with the policy that Government has set for itself, firstly, to relate expenditure to income, and, secondly, to divide the budget into two sections, that for ordinary revenue and expenditure and the other for the Development and Reconstruction Authority. We should give it a run in any case, and we shall learn through experience what defects there may be or what bad use there may be in the present arrangements. Turning to the revenue estimates, there are a few remarks that I should like to make which I think if implemented would possibly raise our revenue next year or in the years to come.

First, the Customs. I think the import duty on such luxuries as spirits, beer, and things of that kind, and even the excise on beer and tobacco should be raised. (Members: No! and laughter.) It is raised already, but I do not think the estimate of that was broad enough. I think it is conservative. I think the import duty on those luxuries should be increased. (Mrs. WATKINS: What about tembo?) Unfortunately it is not imported. (A member: It could pay excise.) The effect will be that the wealth of the country will have a greater volume of revenue from that source, and, secondly, you decrease drunkenness, because the only people able to get drunk will be those who are wealthy, and they are the people who should be heavily taxed. (Laughter.) For that reason I suggest that the Commissioner of Customs might perhaps have designs on those gentlemen. (Laughter.)

In regard to native taxation, I have already made some remarks on it, that the African is very substantially contributing through indirect taxation to Government revenue, but he has not had during recent years perhaps the opportunity to purchase, and that should not be lost sight of when people say he is lightly taxed. The second item I should like to mention is that Government should seriously—I know my colleague

is going to remark on this—consider the relationship between the Central Government and local government finances. I think the time has come when we should know definitely what the commitments are of local government and the Central Government in regard to social services.

There are four other items I should like to suggest which may help the revenue. One is game licences. At present Africans are not allowed to purchase game licences to shoot game, and I think if they can be given permission and the law which prevents them from purchasing licences to shoot game were removed, you would get quite a substantial sum from the African community who are interested in the shooting of game. Liqueur licences also. I should like to mention here that there are places in Nairobi particularly and throughout the country which deal in drink, unlicensed places. I think the time has come when Government and other people should see to it that those unlicensed places—I refer to Nairobi particularly—where Africans drink beer at the present moment, cease, but because an African has to pay Sh. 3 for a bottle of beer and is not allowed to purchase it in the normal way. I suggest that steps should be taken to investigate this matter and put it right. (Hear, hear.) Trade licences also. I feel that now the war is over greater encouragement should be given to organize African traders to get trade licences. There has been a policy of recent years to discourage Africans getting these licences. I understand that the reason would not allow it, but now the war is over I suggest that Africans should be encouraged to come forward to get these licences.

One other item I think would also help in raising our revenue is the question of the entertainment tax. At present Africans are not allowed to enter cinemas and play houses. There is a cinema ordinance which prevents Africans going in and seeing certain pictures. This, I think, should be looked into and considered. With that also I should mention the question of lotteries from which Africans are debarred under the Penal Code. They should be allowed to participate in lotteries, and there have been

[Mr. Mathu] hear further what Government have to say on the matter.

I should like under this head to welcome the suggestion that 18 African assistants be appointed for the Nyanza Province. It is a very good suggestion, and I do hope that this will be put into operation without further delay. It has been called an experiment, and I do hope it will be successful and extended to other provinces, so that the district commissioners and administrative officers may be able to go round their districts and get close co-operation and assistance from the Africans. One other point in regard to administration is the social centre at Kapkapat among the Kipsigis. I have visited the place, and it is one of the best examples of what can be done in giving social service to people like the Kipsigis. Things can be done where the district commissioner is very keen to see that things are done. I welcome this very much indeed, and hope others will take that as an example and do likewise.

The question of kaths for African Moslems has been discussed, and Africans have made representations to me that they should be able to go to courts presided over by African Moslems, that the Arabs should not be the only people who can preside over those courts. Strong representations have been made on the Coast and in other parts, and I should like Government to consider that very closely.

I am pleased to see that the Oluenguru settlement is put on a better basis, and I am sure that everybody will be pleased to see that a move has been made to improve that settlement. In regard to Kibera, the word control has not been received well. I should have liked to have had it called the administration of Kibera, because control seems to me a very negative term, and we all know about Kibera. It has been before this Council more than once, and social welfare is required there, and the word control suggests some inactivity whereas administration would have been the better word. The next point I should like to mention is what has already been said about Machakos and the social centre in the Nyeri district. The Machakos question is very important, and I must say that the sum to be set aside to assist it is not a sum that can be

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[Mr. Mathu] considered as wasted. I think it is absolutely necessary to help these people until we can get alternative settlement for them and recondition their reserve. The social service centre for Nyeri district, for which £1,000 is provided, is also very welcome.

I have a few remarks I should like to make about the Agricultural Department. The first is on the question of pyrethrum. The pyrethrum industry is one that we must have in this country, and I should like to suggest that those responsible should see that the children who work picking the flowers should have some consideration given to them in that they should have time off to have some educational facilities, so that they may not lose all that time before they get any education at all. The other point I should like to make is on the question of subsidies, under Agriculture Extraordinary, Head 5A. I have suggested before and do so again that Government should consider making similar schemes for African farmers, so that they may improve their land and get some assistance just as European farmers do.

I now turn to education. I have already said what I wanted to say about teachers, but there are two points. One is about the remarks of the hon. member in connexion with Makerere, that we should back it up every way that we can to produce the men we require for our services in this country. We want the educated African of the Makerere type as well as others, and this country should not do anything which would hinder the development of Makerere so that we can have these men to help us here. The other point is about overseas bursaries. That is a very thorny problem, because last year a token vote of £250 for African overseas bursaries was inserted and this year it is the same, but we have not been able to get the people to go this year, although I know a lot of applications were made by Africans to get facilities to get overseas education through this vote. I hope the hon. Director of Education will be able to help in this matter and give a grant to those who are qualified for it.

Labour Department. I have already said something about labour, that we must see that the labour is properly looked after, the wages raised, and at the same time I must agree that the out-

put must be commensurate with the pay given. But I think it imperative. People must work harder than they are working now, but there is one very controversial matter which I should like to raise here because a lot of representation has been made for many years to Government, and that is connected with the Labour Department and with the registration certificate—the kipande. The kipande has been a thorn in the flesh of the African for many years and they have asked Government this time to see whether they can consider the possibility of working without a kipande, just as Uganda is doing, and Tanganyika—That also will remove the question of finger prints, which they refer to as a criminal indication, and all Africans are not criminals.

I should like to refer to the question of medical services. Although the hon. member suggested that we should now aim at preventive medicine and preventive measures, it is not possible yet to do away with the curative side of medicine, and I think that the hospitalization of the African is a thing that we shall have to have for many years to come. People who live long distances from towns like Nairobi and other places should get adequate medical facilities, and I hope that the Medical Department will do all they can to see that the Africans are adequately served in regard to medical facilities. At present they are not adequately served, and I hope that hospitals and dispensaries will be put up even over and above what has already been proposed.

The other department I should like to remark on is the Public Works Department. They are good remarks, I hope (laughter) because they refer to the remarks I have already made that African artisans should find adequate vacancies in the Public Works Department. They are coming in large numbers from the Army, some of whom will be, I am sure, of a high standard, to take their part in the department's activities. I do hope that even when private contracts are on African artisans will be given prior consideration because they have really very good qualifications.

The next department which I must touch on is that of the Transport Licensing Board—that is Head 40 of the Estimates. A large number of Africans own motor vehicles now and they feel that

[Mr. Mathu] although they have not got any specific ground against the Transport Licensing Board, they would like to request Government to consider that these owners of motor vehicles should have direct representation on the Transport Licensing Board, so that African interests may be looked after when matters affecting African transportation difficulties come under consideration.

I have already made remarks on veterinary services in regard to African live stock, and I suggest that dipping and culling and things of that kind would be welcomed by Africans if sufficient propaganda was given to them so that they may know exactly what the department is intending to do.

Finally, there is War Expenditure. Civil, I should like to emphasize the fact that the Imports Control Office should consider favourably the question of freezing certain goods which control is still operating to provide sufficient goods for Africans, because quite a number of them have found it extremely difficult to carry on their businesses because of lack of goods. I do know that there is a shortage, but it is important that the Imports Control Office should be even more generous in releasing goods for Africans.

The demobilization and reabsorption of Service personnel—Africans—is actually, now, I believe, very satisfactory in comparison with the position out here one year ago, and I think that the Africans who are to be trained in the centres which have been suggested here will come forward, and I hope that the public in this country will make the best use they can of them by employing them in the various departments and firms as artisans and so on.

I had a few remarks I wanted to make on the Development and Reconstruction Authority. I do not know whether you, Sir, would like me to do that now or do it first thing in the morning?

His Excellency: If the hon. member is likely to take some time longer I think it might be an appropriate opportunity to adjourn at this stage.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 15th November, 1945.

Thursday, 15th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 15th November, 1945. 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 14th November, 1945, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 100—CONTRACTORS FOR DEVELOPMENT WORK

MAJOR JOYCE:

(a) As considerable development is anticipated in such earth-moving operations as the construction of roads, dams and aerodromes, does Government agree that it is desirable to encourage the establishment of new contractors for this type of work?

(b) If the answer to (a) is in the affirmative, what steps is Government prepared to take to assist new contractors who intend to set up in Kenya for this type of work by the issue of priority import licences and other means necessary to obtain crawler type tractors which are essential for such work?

MR. TROUGHTON: (a) Yes, sir.

(b) Provided that the Government is satisfied that any applications made to import crawler type tractors are justified, it is prepared to make appropriate representations to the Secretary of State and in fact has already done so in one instance.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. MATHU: Your Excellency, I was making some remarks on the subject of demobilization and reabsorption when Council broke up yesterday. I said that the arrangements for the demobilization and reabsorption of Africans was better this time than it was one year ago, and I also suggested that it was very important

[Mr. Mathu] that those who are responsible for making arrangements for the returning *askaris* should do it most carefully and that they should not get the idea that the African soldier who comes home will necessarily want a year's holiday and then try and get employment, because we have already seen that most African soldiers when they return have a fortnight's holiday and then want to get into employment. It is therefore safe for us to make arrangements for the employment of these *askaris* when they return, either in the training centres suggested or in employment elsewhere. That, I think, is one of the ways that will help us to ensure that there will be no trouble among the *askaris* as would happen if they return and find nothing to do.

I should now like to say a few words on the Estimates of the Development and Reconstruction Authority. The remarks I want to make are in regard to African settlement, water supplies and African buildings. In regard to African settlement, I have already made some remarks in regard to Makueni and suggested the great urgency of making arrangements to relieve the pressure on the land in the Machakos district. I should like information from a Government spokesman later in regard to the fencing scheme among the Nandi. I should like to know what that means. As regards water supplies, you have made provision for a water supply for Nanyuki—No. 13 (b), Item 14. That is a very urgent need in that town and particularly for the African location, where at present there is no water supply at all, and the people there would welcome speedy action to provide them with a good water supply. I am pleased to see also that arrangements have been made to supply Mazerara, Mariakani and Rabai with ply Mazera, Mariakani and Rabai with water. I hope that before very long your Authority, Sir, will see that these people are supplied with water.

My final remarks are on certain buildings. The first is the Police lines. I think you will agree with me, Sir, that up to now the housing of our African policemen has left much to be desired, and I hope that the Authority will do what has been done before, namely, accommodate the police in better houses than ever before. They are, after all, among the most important servants in this

country who in some cases work for 24 hours a day, and we should like to see that they are properly accommodated. They do not get their fair share in other ways. I refer particularly to the terms of service of these policemen which have not been all that we should like them to be. The recommendations of Mr. Hill in his report have made an improvement, but I have had letters from policemen saying that they would like Government to reconsider the whole question of terms of service for the African policemen with a view to improving them.

Finally, there are schemes for educational centres for African women and girls and for the agricultural schools and teacher-training schools at Embu and Maseno. We should like to see the Authority speed up arrangements to get these institutions going, because the need for teachers, both men and women, in African schools is, as I indicated yesterday, very great indeed.

Provision has been made for a central engineering school for the Posts and Telegraphs Department, where Africans will be trained to become engineers and will then be absorbed by the department concerned. I am sure that that is a scheme which will be most welcomed by the Africans, and I do hope that the Authority will see to it that that school is erected in the immediate future.

Before I sit down I should like to express the hope that this budget session will result in action that will be of great benefit to the people of this country. I do not refer only to the African community, but prosperity should be shared equally by all the inhabitants of this land, so that poverty and hunger and all other vices that go to make a society not ill and weak and unhealthy should not exist, and that this should be a country where prosperity and happiness rule supreme for all the inhabitants of this land. (Applause.)

MR. COOKE (Coast): Your Excellency, it is usual at these budget sessions to begin by felicitating the hon. Financial Secretary on his budget and then proceed to tear him and his budget to pieces in what Disraeli called "a series of congratulatory regrets". I do not propose to adopt that course to-day. Any-one may be unnerved who sees in front

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[Mr. Cooke]

of him the prospect of a decreasing revenue and increasing expenditure, but I feel myself that the hon. member has tackled the budget in a bold manner.

It is true that there are many things which might be criticized, but I think, like a prudent financier, he has put the figures before us and it is up to us to accept the warning which he has given us about the future state of the finances of this country. I am afraid that we have to face up to high taxation for some years to come. There are some people who say that high taxation has an adverse effect on trade and that it discourages enterprise and initiative, but I do not think that the British character really reacts so much as these people seem to think, and I personally would be prepared, although I myself belong to what is called the rentier class, to accept higher taxation. I do not see why there should not be a tax on petrol of 10 cents a gallon, which would go to build up a fund to be used for the construction of roads, because if there is anything of importance in a tropical country it is transport, and we cannot have proper transport without roads.

I do not think anyone would be so bone stupid as to disagree when I say that the living standards in this country are far too high in comparison with our national income, and those living standards were raised to this height by the presence in this country of a few wealthy people, and they have quite naturally caused the lower income groups to raise their standards of living, and I do feel that unless we can reduce our standard of living we cannot hope to pay for the big expenses of the programme in front of us. The English people had to lower their standard of living to win the war, and I feel we have got to do the same thing to win the war out here, because we are going to be faced with a series of battles and campaigns to save the national wealth of this country. Just as my hon. friend the Acting Financial Secretary has to take all means to preserve the financial resources of the country so we have to take all means to keep and preserve our natural resources, and we have to make ceaseless war against those agencies, whether human or what they may be, trying to destroy these precious assets.

This is what the second part of this budget purports to do.

I think it is most important to increase the taxable capacity of our people, and we must accept the assurance. I think, of the hon. gentleman, that he will keep a sharp eye to see that that taxable capacity is not being overstrained and that later on a diminishing return does not operate, because, of course, it would be stupid to tax people to such an extent that trade suffered. I do not see how the taxable capacity is going to be maintained unless we can open up new avenues of employment, and unless everybody works harder, and especially the African population of this country. There is no other means of producing wealth except work. It is no use thinking that money will drop like manna from heaven. It is just as well it does not because it would only lead to inflation! But I do feel that we should not drag these millions of Africans into work unless they receive higher pay and unless their conditions, food and housing, are improved. There are some old ladies who think that if you pay higher salaries it is just as though you are dumping into the Indian Ocean all this money, but of course it is no such thing. Even assuming people do not work harder, there is a lot of money circulating, and a good deal of that comes back in increased trade and taxation.

I believe it is an urgent matter to improve housing and feeding conditions. I was very glad to read the address of a well known Nairobi physician the other day suggesting that the boys working in Nairobi as office boys should have some kind of a midday meal, and I suggest that Government would set a good example if it started with its office boys and others in the Law Courts and arranged some sort of a canteen for them. South Africa is far ahead of us in social services for Africans, and they have adopted the principle that higher wages must be paid. With regard to better housing, Major Van der Byl said the other day at Fort Elizabeth that it had a tremendous influence on the Africans and that crime and drunkenness had decreased and that the natives had shown much more self respect than they had shown in the past. So I think it indispensible that these social services very often pay a rich dividend. In any

[Mr. Cooke]

case, whether they do or not, it is our duty as trustees to the African people to see that their conditions are improved.

Now, sir, I know all that argument about increased pay not bringing increased work. I was talking to educated Africans at Pumwani a few months ago, and tried to impress on them that unless they worked harder they would not get more pay and that unless they developed character and other characteristics of the British people they could not hope to advance. One African, a graduate of Hare University, South Africa, replied that this was all very well, but "How could we work harder unless we get more food in our stomachs, and how are we to get food in our stomachs unless we get more pay!" So the whole point is: who begins first. I think it is up to us; and if it does not prove a success we can always possibly go back to the old conditions.

I am one of those who think that we must as soon as possible start industrializing this country. It seems to me that it is the only way of providing for the surplus population. Of course, more land will not be the solution, and I am very glad that for that reason Government has decided to bring out hydro-electric experts to pronounce on the advisability of hydro-electric schemes. It may be found that the only real big plants we shall get will be those at Pangani or the Ripon Falls, but undoubtedly there is a lot of smaller water falls whose power might be harnessed, and I think they will be found scattered about the country. That will be an additional reason for scattering our industries rather than having them concentrated in Nairobi.

There is one matter I would ask a question about, and that is the Tana River irrigation scheme. I hope that scheme will be put into working order as soon as possible. Here is an instance of the dilatory methods of the Government of this country in the past. In 1934 a most valuable report was written by the Messrs. Harris and Sampson, two of the British leading irrigation experts of the British Empire. They toured the Tana valley with Major H. B. Sharpe, who had an intimate knowledge of the country, and came to the conclusion that the vicinity of Dakacha was eminently

suitable for a big irrigation scheme. In this report, which is not a typical Government document because it is a report which deals with the broader issues, they write at the end: "Thus the project has to be regarded in the light of the requirements which are likely to exist not in the next five years or so but between 1945 and 1965. It is a long while ahead, but unless the foundations are laid now the edifice will not be ready when it is needed." Those were prophetic words and they were dealing at the time with the erosion in the Kamba reserve, and they adumbrated the possibility of that particular area being suitable for the Akamba. Over 10 years have gone by, and nothing has been done, and we are now faced with this Akamba problem which has raised such serious political issues.

I would like to congratulate Government on at last making provision for native settlement. It is most deplorable, I think, that a certain people in this country including I am afraid, the editor of the *East African Standard* has taken the opportunity of putting a spoke, or trying to, in the wheels of Government. That gentleman practically every day gives us in the pages of his paper what I would call obstructive and jaundiced criticism. Those are only the days when he is not telling us what Roosevelt and Stalin should do with their respective country's life, which reminds me of the editor of the *Ski-boreen Eagle*, who informed his half-dozen readers that "he had his eye on the Kaiser!" (Laughter.) I think it most unfortunate, and would go so far as to say that he and gentlemen of his ilk are doing a grave disservice to white settlement in this country by their attitude on this matter. My opinions on this over this matter are well known, so I will not take the opportunity of expressing them again.

If I may turn to a few items in the Estimates, and I will not keep hon. members very long, I am as alarmed as anybody—although a pensioner myself—to see the increase in the pensions list, and I do say that every effort should be made to attract pensioners to live in this country. They have, of course, apart from spending money, a stabilizing influence on the population of this country! (Laughter.) I think my hon.

[Mr. Cooke] friend the Commissioner of Lands has been a little naughty in certain aspects of this question. There is land at Kilifi, where three or four people who are soon to become ex-officials are anxious to take up plots. It is Crown land, and they are not encouraged to do so. This is a case in point where we may lose not only that stabilizing influence but their money (slaughter), and, after all, money which is spent in this country helps to stimulate trade and a great deal of it comes back in taxes. Surely it is far far better spent here than in the salubrious climate of Bournemouth or Cheltenham.

Page 40: I should like an assurance from the hon. Member for Agriculture, who I understand is responsible for the development of native reserves, that he is directly responsible and that this pernicious cultivation which has prevailed in Olenguruone will cease. I recently saw a minute by one gentleman on the other side in which he said that Government could not stop natives from growing maize because they insisted on growing maize! That seems to me a monstrous position that these people who are tenants of Crown land should do what they liked with that valuable land. If this is to continue, certainly it will put people like myself, who are anxious to get new leases for Africans, in an almost untenable position.

Page 41, control of Kibera. I think Government has taken the wrong step here. I have had a copy of a petition from the Sudanese sent to His Excellency, and they are willing as an alternative to evacuate that area if they can get another area suitable in Kenya. That land is very valuable, 4,000 acres, and I am told it is worth at least £50 an acre. It is more or less in the centre of a residential part of Nairobi, and if it were sold it would bring in £200,000, which is a large sum, with which to settle these people. In any case, the present arrangement is not one that can last many years, and it is much better to take steps now to move them to a place where they are willing to go.

Page 42, famine relief: This has been in three years in the neighbourhood of £410,000. I feel that if the money devoted to famine relief had been capitalized we should have been able to raise a loan which might have developed

those barrage schemes and so dispense with the necessity for the continuance of famine relief. The dolo is an un-economic way of doing public business.

With regard to the Agricultural Department, page 46, I am going to give my hon. friend the Member for Nyanza an opportunity of getting back at me. The total expenditure on the Sisal Board is all reimbursed, but the total expenditure on the Pyrethrum Board is only reimbursed to the extent of 50 per cent; at least, that is my reading. I feel that this wealthy corporation could now afford to reimburse the full amount.

About soil conservation, I would draw attention to the valuable Kantahek report we received recently on the Chania area, in which the author says we must take absolutely ruthless action in the matter of soil erosion. About the same time there was published what is going on in the Ol Doroto water shed, and we had Colin Maher's report on certain farms up country. These disclosed a deplorable state of affairs, and that is the reason I intended to bring in a drastic motion about soil erosion. We must take action. It is no use appealing now to the good feelings of these people, because they are just as much enemies of society, those who destroy the soil, as the man who goes out into the street and murders his mother. They are destroying the priceless assets of the country, and it is no good having kid glove methods—we must take positive and criminal action against people committing these criminal offences.

With regard to the education problem, I should like very much to welcome the expenditure on Makerere. I regard Makerere not only as the keystone of the arch of the whole educational structure of the country, but as the arch of the whole economic structure, for the millions of Africans we have in our midst, if they are educated and civilized, are going to be the biggest purchasers of our goods. South Africa has long recognized that. I was very glad to hear what the hon. member Mr. Mathu had to say about education, and I feel that Government is making an absolutely crying mistake in not agreeing to an increase in the salaries of teachers. Unless this is done, we shall not get teachers at all, or if we do get them they will not be of that calibre which is absolutely

[Mr. Cooke] essential if this country is to avoid future political trouble. To get them we must pay them well. A few extra thousands spent every year would be an extremely good investment.

A small point about the Forest Department, and that is the salary of the Conservator of Forests, which is shown at £1,100, whereas his predecessor got £1,200. I do not know whether this has something to do with annual increments, but I was always under the impression that a head of a department was not subjected to increments.

One matter I must deal with with great caution and circumspection, and that is the question of the Judicial Department. There is a suspicion that things are not quite right, and people feel that perhaps we are not getting in the magistracy the right type of man for this important job. I say nothing more; but I would ask the hon. and learned Attorney General if he would bring this to the notice of his honour the Chief Justice, because it is not only necessary but a first essential that the Judiciary should not only administer justice but that it should be evident to all that they do so. There should be no suspicion regarding the magistracy or the judiciary.

I should like to welcome the increase in the Labour Department, and would ask if the Commissioner is going to be a member of this Council? I think it absolutely essential that he should, and would support, if I may, what our leader said yesterday about the necessity of improving the emoluments in order to attract the best people. It may seem inconsistent that I should ask for anyone to get a rise in salary, but I do think that the Commissioner of Prisons—and I have had no conversation with him—is totally underpaid. He gets only £1,000 a year, and the responsibilities of the Commissioner have increased greatly on account of the approved schools and probation service and other things of that nature. The present Commissioner, that nature, will acknowledge, is one of the best departmental heads we have in this country, and if we lose a man like that it will be a great tragedy. I do not know, of course, if he would be attracted by a higher salary or not.

War Expenditure. Civil. At present it is only a one line vote, though in Appendix C some details are given. But I think most people would like to know more, now that the war is ended, about terms of service. I know as an honorary member of the Civil Servants Association and as a member of the European Civil Service Advisory Board that there is a strong feeling about these temporary appointments. It is contended by Government that they get higher pay because they do not get hidden emoluments, but I know one or two who receive them. We would like, or I would, to see a full list given instead of a one line vote of the various holders of these posts and what they get and what their hidden emoluments are. There is also the question of discipline: whom do they come under for discipline? It is said that some are seen at all times of the day some here, there, and everywhere. Who sees them, that they are doing a job of work? I know that during the war it was not easy to do this, but now the war is ended I am asking that a full statement be made.

Regarding page 188, consulting engineer to the Authority, who is going to receive £3,250 a year. I cannot possibly see what use this gentleman can be. As I understand it, an engineer of these qualifications which demand a salary like that will be a man who is a specialist in some particular branch of engineering, and I do not see how he can be consulted on other branches, because he will only be an expert probably in one or two branches. I suggest it would be easier and save the country money if the Authority would consult whoever is the specialist in a particular branch in the Public Works Department. I think the proposal is unfair on the hon. Director of Public Works. I do not know, but it seems to be you are putting somebody in a superior position to him. We have got for the first time since I have been in this country a man who appears to be a very energetic Public Works Department head, and I do not think it is quite fair to subject him to what might possibly be a superior officer.

I have nothing more to say. I should like to join with what the hon. member Mr. Mathu said, that all must get together if we are to face successfully the serious problems in front of us. We

[Mr. Cooke] can only do so by making them the concern of all races, by getting together, and thinking upon the things we can agree rather than the matters on which we disagree. I was very much impressed in your address the other day, sir, by the ending. I would like to join as well in asking that we should be prepared for any contingencies that may come and accept those contingencies as loyally as we can and carry out our work as efficiently as we possibly can.

I support the motion. (Applause.)

MRS. WATKINS (Kiambu): Your Excellency, I rise to support the budget—another of those stabilizing influences, of which we have two on this side of Council. I should also like to congratulate the hon. Acting Financial Secretary for the well thought out and marvellously memorized speech he put before this Council. I am frankly apprehensive that, back in the country, we may find that this budget that I am now supporting is insupportable in its total weight in the conditions prevailing in the immediate post-war period which will shortly be with us, and owing to the present labour conditions and the drought which has now broken, but the results of which are still putting us farmers in rather a difficult position.

Looking at the budget as a whole I will admit at once that there is no section, to my mind, that clamours for reduction, but I do submit to Your Excellency and to this Council that salaries have an unhappy way of soaring. I know that on a farm when you have new planning to do, you have to curtail your private expenditure; you have to curtail the expenditure of the management until those new plans have proved a success. I fancy it is something like that in business too. But Government seems to put the cart before the horse, and as soon as new planning comes along everybody's salary and everything connected with it goes up a few hundred pounds before we even know whether these plans are likely to be successful or not. I should rather like to point out the different salaries which to my mind have been unnecessarily increased or where the increase might have been considerably less, but I think perhaps it is invidious to take particular

posts. Instead, I would give it as my considered opinion, and the considered opinion of by far the greater majority of my constituents, that the senior official salaries enable a far higher standard of living to be attained than it is at all right in such a small country; they are not commensurate in any way with the standards at present prevailing in Britain or the standards that will there prevail for years possibly. I would go so far as to say that it seems to me rather bad taste to keep the level of our standard of living up here by raising salaries in bits here and there and by a cost of living allowance for senior officials, or for the medium ones, instead of lowering our standard of living willingly and fraternally with our people at home.

Having said that, I am going to see whether I can get Government to augment one or two of our services! There are not very many, but they are important, and the first one comes under theegis of my very good friend the Director of Medical Services. Curiously enough, some parts of his department come under my inspection, just as he claims that part of our farm, the dairy part of Wispers, comes under his inspection! I would refer more particularly to the Mathari Hospital. Now I am going to say that I welcome very much the fact that the money has been voted this year, because it could not be spent last year, for a new European wing at Mathari. I must admit here and now to all concerned that I was the spanner in the works and was partly responsible for the fact that the plans could not go more forward this year because I asked for an alteration, and so, through the generous treatment by the Director of Medical Services, who took the Committee entirely into partnership, we were allowed that alteration. I am very glad to see it in the budget.

Besides that, I see included in the budget this year—at least I had it unravelled for me because I could not find it!—a new building for rehousing African women at Mathari. Last people think that we are running away with enormous expenditure for the Mathari Hospital, I should like to draw you for 30 seconds a brief picture of the conditions of the African women at that hospital as they have been up to now. Their rooms were about 10 ft. by 12 ft.

[Mrs. Watkins] with a window at the top by 18 ft. high, with a grating. That, of course, was for ventilation, but it did not seem like that; it seemed as if you were in the bottom of a rather deep well, dank and smelly inside. These women had to live in these rooms for so many hours a day—13 or 14 out of the 24—three or four African women who were out of their minds. The men's department has already been enormously improved. I would like to say for my own sex that we welcome the fact that the women's side will also be improved now, and perhaps it would not be inappropriate for me here to reassure the country, as I think it needs reassuring, that all is well with Mathari; things are going very much better. I sit on quite a number of committees, but I know of no committee in this country that takes its work more seriously and shows greater initiative, and whose members attend meetings more regularly than the Mathari Committee. It is a first class job of work they are doing there, and while I get anxious inquiries made continually from all parts of the country, I should like to say here publicly that everything is going as well as can be and conditions are being rapidly improved.

There is one anomaly—may I call it an anachronism?—that still exists, and I believe the Director of Medical Services is trying to alter it, probably will alter it—and that is that many years ago people who were out of their minds were regarded as either ludicrous or criminal; very often they were both, but they were also tragic, but instead of being regarded as tragic they were regarded as criminals and were placed in charge of warders—warders who were not by any means trained; they were rough people who did not mind a rough kind of life. They were paid at a low warder rate which is not consistent with modern conditions. Now that we have got trained staff, trained nurses, both men and women, they are still paid at the low warder rate. I will give you the figures so that you can compare them, and I want to know that this Council is going to support the putting right of those salaries. A matron in an ordinary hospital goes from about £500 to £600; a sister, at an matron goes to £327. A sister, at an ordinary hospital starts at £300 and goes to £420; at Mathari Hospital she starts

at £240 and goes to £300. A sister at an ordinary hospital goes up to £480 at the end of so many years' service, but the sisters at Mathari never go beyond £300. We had the other day the case of a man who had been promoted Superintendent of Mathari, and he refused that promotion and he had to be un-gazetted— if he can be un-gazetted—anyway, he reverted from that post; he refused it as protested against the pay. I would appeal to you people to realize that Mathari is a problem with which we are all concerned because, although it may seem awfully funny, there is not one of us in this room or in this country who does not know that he may not need it—no one can say definitely that he will not need the use of that hospital either for himself, herself or for the family at some time. We want to see that things are run on a basis which will lead to the alleviation and not the retention of the lunacy status.

The next item I want to deal with is the Police, crime being my hobby! (Laughter.) I should like to say that I think that an increase of 26 in the Police is hardly sufficient. I hope that it is only lack of man power and not finance that has made that increase so small—26, I think it is, in the real Police and seven extra in the Port Police. There has to be a certain percentage, or a certain proportion, of our Police Force Europeans to Africans. I do not think we are up to that proportion now. I do want to press very hard not only for improved terms of service for the Police staff, whether we increase in the Police, staff, whether we can afford it or not. I believe it is more expensive not to have sufficient police, only it is rather like hidden emoluments, because you are losing by crime and in the prisons and on the work that is lost all through the country through not having sufficient police to control crime.

Education: The Kenya Girls High School. I think it is quite incredible and fantastic that this building should be delayed any longer. I will ask the Director of Education a straight question and I know he will give me a straight answer: by what date does he expect to have the new girls school up and in use?

I am not dealing with native education to-day. I do believe that for European



[Mrs. Watkins], if you have got to cut down education, if you have got to cut down your coat according to your cloth, it is rather better to provide rather more cloth by charging people a little bit more than the bare food for their children. There are a great many people in this country who I know cannot afford higher fees, who perhaps cannot, even afford the fees now being charged, but I imagine there are a great many people on the Hill and in other parts of Kenya who have no right whatever to expect that their children should not only be educated, but should be fed at the bare cost of their food, without paying for a percentage for depreciation and loan charges or anything else, I submit that in no country that I know of can people of medium income educate their children—education equal to that of a public school—on £25 a term. It seems to me quite fantastic. I would not keep one child from obtaining education because of lack of money. I would not let one child know whether the parents pay full fees or not. But it should not be beyond the wit of man—or woman, if man fails—to devise some scheme so that a parent's income can be gone into and the thing can be decided without the child, or even the teachers, knowing. If the teacher knows it sometimes reacts on the child. I do not consider it necessary for anybody, except the head mistress and the committee to know who is paying fees and who is not, because I think it is a very invidious thing to let a child know that he is paying less than the others.

Woman power and man power: Kenya is the only country out here that is burdened with the fact that its women have got to keep on at their jobs so as to relieve the pressure at present on the Army. I have a daughter in the Services, she is a Kenya girl and she wrote to me the other day. She is no longer in Kenya. She said, "Mummy, we are no better off than we were in the war years. Do you know, I am still at action stations every second night, sleeping in our clothes, in case of a bombing raid on England—and the war with Germany has been over for five months!" [Laughter.] That is a young woman who has done six years of night duty first in the meteorological office and then in one of the Services, and instead of letting these

tired girls get their night's sleep now that the bombing raids are over, instead of allowing that girl, who is of ordinary average intelligence, to go to a university in order to finish her education and fit herself for a career, she is being kept with thousands of others, in the Forces for just that sort of thing. I only quote that not as a moan but to show the mentality which we are dealing with sometimes in the Army; or quite generally in the Forces.

The other day, talking of man power, it surprised me to find—I was in a certain military office—that it took 14 fully booted and uniformed and well-fed *askaris* to make cups of tea for about half a dozen officers! [Laughter.] I compared that with the sight of my own crops falling to the ground because there is no labour to harvest them, and I was sad.

Following up the crime debate, which I should have brought in before, I had hoped that the Attorney General would have seen his way to find time to put in his budget one extra crown counsel, or possibly two, or even three. I suppose the deluge of work that has descended upon him and his department has prevented him from doing so, and I ask him to forgive me if I persist in my demands, because I believe that with an extra crown counsel the strain on him and his department would probably be lessened. Lastly, the need for an extra prosecutor or crown counsel is reflected in our newspapers. The other day we had that motor car smash when it transpired that the guilty party could not be run because there was an omission in the prosecution which no trained prosecutor would for a moment have allowed. I am not so concerned with these motor car smashes as I am with ordinary crime, the results of which are, after all, just as serious. It should be possible in this Colony, with the very high salaries that are being offered, to provide at least enough man power to put over a prosecution case without a glaring omission that allowed a man to get off scot-free after having killed several people. I would also like to mention, while I am speaking of that department, that the public knows, and appreciates enormously, the amount of time and overtime that the whole of that department is putting in in the public interest, and I

[Mrs. Watkins] think that the extra crown counsel should be put in and would probably save the Attorney General and the police a lot of work.

On page 100 they seem to be making provision for some of the members on this side of Council—item 31, Ancient Monuments, Preservation of. [Laughter.] Under item 29 too—burial of destitute persons—when the budget has had its effect! So that is something.

I want to draw the attention of Council to a point which is likely to be overlooked unless I make it here and now, and that is with regard to our Meteorological Department. About half way through this war, this department was handed over with I suppose many others to the Air Ministry at home, and at that time the signal I am given to understand read that the department would revert to its original status immediately after the cessation of hostilities. We have been able to obtain no confirmation of that since hostilities ceased, and I want to put before you the two alternatives that are now in front of us. One is complete control of the Meteorological Service by the Air Ministry or some other London-based control, which would mean that we should take our place in the organization with Aden and Iraq and other non-agricultural countries under men sent out from England to do a short time here, who would not be interested in the particular conditions of tropical meteorology until they had been here a certain time, and they would then go away again. They would have no knowledge of the methods by which Africans can be used, and are being used increasingly in this service—it makes a very good career for Africans, and also keeps the price of the service down enormously. Certain rule of thumb methods have been adopted out here which are completely lacking in scientific accuracy. That is one side of the picture. The other side of the picture is—oh! by the way, about the expense. If the Air Ministry take over they would have the right to charge us what they considered our appropriate share, what they call I think a subvention. They would have the right to charge £100,000, or whatever it was.

However, we do bear the expense ourselves and we want to have an ex-

panded form of meteorological service as it existed here before the war, and for the first part of the war. Our tropical meteorology has gone ahead tremendously. It was really the beginning almost of a new science which had been worked out here and we had new ways of testing but which were not at all applicable to Europe, but they were applicable and useful here. If we had that form of expanded pre-war service, we should want about 80 white men out here, just over 60 men to come from local youths educated for the meteorological service. Twenty would probably have their degrees at home. That would cost us about £100,000.

Before I go on with that I want to tell you something about what this meteorological service has done for us up to now. Our own meteorological service has been rather a silent service, like the Senior Service; it does not talk much, so I was surprised to find out a good deal about it. Before the war meteorological stations were scattered throughout the country, and they sent in reports of the weather which were valuable not only to the agriculturist but also to the Medical Department in regard to malaria research and so forth. When the war came they brought into action within a few days a plan which had been evolved the year before and they were ready to give valuable information demanded by the forces out here. It was one of the young meteorological officers who found that he could break down the Italian codes. During the time when air-bombing was taking place in Abyssinia the pilots were supplied unwittingly by the Italians with full information and full reports because he broke down their codes. The time for the advance into Abyssinia was given by our Meteorological Department. They have done that work all during the war, working 11 to 14 hours a day for over three years. The European staff averaged 100 hours a week. I do not think that can be beaten even by the Secretariat! [Laughter.] Then the Air Ministry took over, and immediately the senior posts were trebled. The cost rose steeply to a quarter of a million, and yet when Somalia and the Indian Ocean had become within our scope, it was our own meteorological officers who went out and did that work. The Director,

(Mrs. Walkings)

who is by no means a young man, travelled all over the Indian Ocean in a whaler on this work.

The Air Ministry was approached for a decision on meteorological policy two years ago and that decision is not here yet, and they are definitely not interested in any agricultural returns at all. They are only interested in the aviation side of it. I submit that Kenya does not want to be on a par with Aден and Iraq on a London-based service. A scheme was put up the other day that there should be more meteorological stations, for the safety of the travelling public as much as anyone else, but the advisers met with rather a cold shower and, well, it was rather unfortunate. I have always maintained that an official, however high his level, if he makes people who come before him with advice, people of good faith and a wide knowledge of their own particular subject—if he makes these people look like mites out of cheese, to which cheese it is his pleasure that they should forthwith return, then I maintain that that official is doing more harm in this country than good, however high his qualifications may be. The individuals who gave that particular advice have retired into their own particular gorgonzola and their loss is our loss. That is why I am taking up the cudgels to-day. I think one has only to mention the harm done in this kind of interview for it to stop, but if it does not there is much more I can do. We may lose control of our meteorological service; we may also have to pay far more for a service we do not control than for a service that does employ either our own young men or our own Africans, and I think it is a thousand pities that it should be so.

Of African labour and African lands, African education and industrialization in Kenya, and famine relief I am not going to speak to-day, and that is partly because I quite agree with the hon. Acting Financial Secretary, who was, may I call it, ingenious enough to put into words the other day what we have all thought about these budget sessions for so long, that they are regarded as a mass of verbiage. Now, the other side of the budget session, to us on this side of Council, as I see it, is this. We go among our constituents; we know them very well—they are our friends and we know their difficulties; and through the year we

talk to them about their difficulties. We say "So-and-so, what do you think about this? Do you think we can do it like this?" and they say "Perhaps you can bring this up in the budget session." So during the year we collect things that cannot well be said at other times, and having thought them out and having worked on them for days and submitted them to other people whose brains are clearer and better trained perhaps than one's own, we bring them up in Council. The officials sit there politely during the whole session, and then nothing happens. That is why I prefer to bring these things up clear cut. The whole problem of this country I want to bring up in a motion during this session, after this budget debate is over, a motion on African policy, so that it is not drowned in a mass of verbiage, so that we have a clear cut picture of what we want. Meanwhile, I have much pleasure in supporting the budget.

DR. RANA (Eastern Area): Your Excellency, first of all I should like to join with those hon. members who have congratulated the hon. mover on the excellent and straightforward and courageous way in which he has presented the budget this session. I would also like to take the opportunity of congratulating whoever is responsible for introducing the system under which Development has been separated in the budget from the annual revenue and expenditure. We shall all be happy if, after this terrible war, with the complete victory of the British and allied nations, new hopes and aspirations which have been entertained are created among all races all over the world.

I am not an expert at figures, but in going over the various items I am sorry to see that, probably due to the Colonial Office in London, departments have not given heed to what has happened in the past six years. The current expenditure embodying all the increments, and everything is as it was before the war, given to a very large extent to the one race. I hope Your Excellency and hon. members understand what I mean by that race. First of all, I would like to take up the Education vote, and on behalf of my community and as one who has had experience of various school committees, say I am very sorry to note what the hon. mover has said,

[Dr. Rana]

and I honestly say that I cannot understand particularly one part in which he said the Indian population of school age is increasing by 12 per cent each year and that with compulsory education for Indian boys in most of the towns it was becoming very expensive. I honestly do not know how he has got that figure, but I think he is not very wrong; if it is not more it is not less than 12 per cent. I thought that in view of these new hopes and aspirations—and promises made during the war to all countries for better social services for everybody, it would have been the last thing the hon. mover would have done, to reduce the education vote of all the populations. I urge that as far as our big increase in population is concerned it would have been welcomed at one time as human beings were considered food for cannon fodder, but in the present age of atomic bombs the increase in population should not be checked, of any race, whatever they are doing.

So far as concerns Mombasa, there is not a single educational building, there which belongs to the Government. All the school buildings in which the Indian children are studying to-day have either been donated by residents or rented at an exorbitant interest up to six per cent, and unfortunately after money has been so free nobody has considered the Indian girls school building belonging to the Government should be freed. The Indian community, I remember, before the war were paying a special education tax for some years. I am one of those who believe in education, as I have already said, irrespective of Europeans, Asians or Africans, and the Government, it should always give it because, after all, is said and done, it is only by means of education that a community can be uplifted socially and spiritually.

Coming to the education staff, I am sorry to say that the staff employed by the authorities is 50 per cent unqualified. It is high time Government should seriously consider paying teachers according to their merits and employing worthy staff for the job.

I suggest that technical schools be established for Indians so that they may become skilled artisans, agricultural

assistants, or whatever. Your Excellency thinks fit, as the type of education now given does not fit them to earn their living except as ordinary clerks in offices. Another weakness is the system by which our Directors of Education are constantly being transferred from one colony to another. Kenya is peculiarly one of British colonies in which we have an enlightened European community, in which there is a great Asiatic community—whether you like it or not, but we think ourselves part and parcel of this country. There are also the Africans. The type of education given us I do not think is very sound and appropriate. From that point of view I seriously request that if the Director of Education and his education officers are to get experience and to know the difficulties of the races as much as possible they should not be transferred to other places.

Coming to the Indian side, I am sorry to see that we have got unqualified teachers on the teaching staff. As has been remarked here before, no attempt is made to train teachers or to give them training here, although I understand it is the policy of the Government in future to do so, but at the moment all these schools are staffed by over 50 per cent of unqualified teachers, and hon. members can imagine what they teach their pupils. Secondly, regarding other amenities, take Mombasa: For the past six years no sports ground has been made available to the school children, girls and boys, and their physical condition is deplorable. I am sorry to say that in my opinion I think about 50 to 60 per cent are under-nourished and under-developed. No attempt is made by the Education Department to look after their physical side, and I strongly submit the Director of Education as well as the Director of Medical Services—I do not mean the present holders of those offices but their predecessors who were always wary of having school officers—should have such officers. It can be done without bringing in more new men, for we have enough medical personnel in Mombasa to do this work. I submit that a sports ground and gymnasium and other facilities should be provided for the schools. Regarding the girls, the condition is still worse. They are being taught up to the fifth

[Dr. Rana] standard which makes them learn English incorrectly—like myself—and they are neither good housewives nor are they going to be good mothers. I would submit that domestic science should be taught, so that our young womenfolk become good housewives and mothers. That is how we should like our girls to be trained.

There is one other point that I nearly forgot. A few years ago the then Director of Education sent Mr. Dolton, now in the Secretariat, to India. I do not know how much public money he spent. He made an elaborate report in which he recommended the type of teacher who should be brought from India for the various Indian schools here. I understand that that report was never made known to the public, and the whole matter was put into some pigeon hole. I request that if he made recommendations they should be carried out.

Medical Department: I am sorry to say that in one way I would call this an antique department, in this way, that it have never tried to move with the times. They think that one doctor should be everything in the world, but even after the last war medical science made tremendous progress. No doctor is capable of juggling all the diseases and be an expert in every line. I submit the time has come when the Medical Department should be brought from India for the of all getting the sanitation side separated from the medical side, the preventive side separated from the curative side. Some years ago there was a separate Director of Sanitary Services and one for medical services. I do not know why the Colonial Office abolished that division. The result has been that all the duties have been put on the one man who has already a very big responsibility to the curative side. I submit that if division were made there would be more efficiency, and I humbly suggest it to the future Member for Local Government and Health—and I do not know how many other titles he has got! I have a great admiration for him which I have expressed in this Council before, and I say with all sincerity that it would be good for the country if those two departments were kept separate. The health side is one in which a doctor has

to spend years to get his qualifications. I think the two lines should be kept completely apart. It will not cost anything, but will lead to very great efficiency.

Secondly, on this issue I seriously submit to the future Member that a small advisory council like an Education Advisory Council should be appointed of all races, so that grievances and difficulties can be directly brought to the notice of the Director or Member or whoever is going to be in charge. Under present circumstances it leads to a very great difficulty. People like me have to waste the time of so many members of Council by talking about them, but by having an advisory council it would serve a very useful purpose in the way of putting up new suggestions and so on. Thirdly, regarding the efficiency of the Medical Department, I repeat that I should like to see specialists, particularly in towns like Mombasa and Nairobi, to be in future appointed who should be in charge of a particular department whereas cases from all over the country can be brought and most efficiently dealt with. After all, we are going to have a group hospital—I do not know when it will come into existence, but I hope it will be as soon as possible—and that is one of the most important things wanted. I am very glad that a certain portion has been built in Nairobi, which is very nice, and I am sure that if the other blocks are not so luxurious as to waste money but are done in a simpler way they will meet requirements. In this connexion I, like the hon. Acting Financial Secretary, believe more in the preventive side than having extra hospital accommodation. As he will have charge of the finances, I want to draw attention to that too. I agree with that principle, but we have not got the preventive department so far, and most of the suffering is due to not having a preventive staff. Hence the hospital is urgently required where one can die peacefully. (Laughter.) With these remarks I say there should be no delay in providing the necessary hospital accommodation.

Fourthly, under Medical, I am not one of those who as a medical practitioner is trying for self-aggrandisement or to increase his income when I say that in places like Nairobi and Mombasa, where there are so many European and Asiatic

[Dr. Rana] private practitioners, Government medical officers who do the duty for which they are paid should not dabble in private practice in Government institutions, because it leads to very great dissatisfaction, and even to neglect of that particular part of their duty for which they are paid. After all is said and done, I can say that even the hon. and learned Attorney General (who is asleep at this moment) (laughter) would like to be consulted by many people, but he is not allowed. There was a time when there were not the medical practitioners, but I think the time has come when the Government officers should be asked to be satisfied with the work they are doing. I say, for the information of the hon. Director of Medical Services, that he should not deprive us of the benefit of consultation with them, but I think it is high time Government stopped the other sort of thing. Another point is as regards private practitioners, being allowed to treat patients in hospitals. A great number of people like to have their own family doctors when we advise them to go to hospital, and it is only fair that the medical officer or whoever is in charge of the accommodation should allow private practitioners to attend.

Leaving the medical side I come to the Controls. I know that my advice is not going to have any effect as far as Controls are concerned, and hon. members opposite are very helpless in many cases; they have to obey orders from Government. But there are one or two things which I would like to speak about. The hon. mover has told us about de-ratoning of ghee, butter and wheaten products. I pray that the remaining gave us may prove beneficial. This is the information which the hon. member Mr. Patel and I received, only last week, and I will with your permission read it for the hon. mover's information, so that he will note it: "Reference Government announcement in Council de-ratoning edible oils afraid some position may arise unless unrestricted supply and free inter-territorial movement allowed. My Association urges immediate action above suggested lines or continue present system.—President Indian Association". We are all trying to see the whole of

East Africa unified and trying to see this country prosper, and I am sorry to say that in certain territories where food is more and in others less, due to the kind of act of the Governors' Conference—movement has been completely brought to a standstill, which is not fair. Take ghee. I know a good amount used to come from Tanganyika. If you make it free and de-ratone it here, what will be the position? Those responsible for production Kenya butter cannot make ghee—I am not in the same good health as I was before the war! The Nyanza Province used to give us a good quality, but that has also been stopped. From where is the ghee going to be brought unless you allow inter-territorial movement, which is perfectly right? Otherwise I request the hon. Acting Financial Secretary to keep the coupons in readiness for use again and not dismiss the staff, because shortly he will get representations that we are not getting any ghee. We have had enough black-marketing in this country, and I think this is the only way that, if anything is done, it should be done, with all sources of supply and distribution being taken into consideration. That is one thing in which the hon. member gave us good news, and this is the reply.

There may be some Controls which, for the sake of the Imperial Government, it may be necessary to keep on, but there are a number of Controls which are now perfectly useless. The only services they are doing is that the staff are looking forward to so many months' leave and salaries. I request that a small committee, an impartial committee, be formed immediately to see which Control is really essential for the good of the country, and that those unnecessary be removed, particularly the Building Control. That is one thing which, in my opinion, is not serving any purpose to-day, particularly when they say that nobody can erect anything costing over £25. We have gone beyond that amount with such a great shortage of houses, and if a maximum has to be kept it and if it is increased to £400 or £500, so should be increased to £400 or £500, so that a small man can put up a small building for himself. That would relieve the housing shortage. Talking of this, in Nairobi the Government have various housing schemes which are only temporary, and in my opinion will be a

[Dr. Rana] perfect waste of money. In Mombasa, we have got many buildings both fit for European, Asians and Africans occupied by the Navy and Army which they are now leaving. Under the municipal by-laws those buildings are only allowed to be kept for one year after the war. I request Your Excellency and the hon. Commissioner for Local Government, if he has got the power, to see that buildings are given to the various races until permanent houses can be built. We have a very fine naval dockyard with many houses, and I am sure a good number of Europeans would welcome those houses which, with a little alteration, would enable them to live comfortably. The same applies to the Asiatic quarter; they would welcome it if that assurance is given to them.

Now I come to local government. I do not want to go into details, but being a member of the Mombasa Municipal Board, and a very old one, I want to state that our position is not very happy in that Council, both financially and otherwise. Mombasa is the gateway to Kenya, but no amenities are available there, either in the way of hotels or good seaside resorts, or even on the Island, as far as local government is concerned, and it is all due to lack of funds. Not only that, but the most important point I want to submit—and I believe I have the right to say it—is that the European community, who are the leaders of this country and who are the ruling race from whom this democratic form of government has been taken, simply refuse to go on the Mombasa Municipal Board on the elective principle, and the result is that we have nominated members who, I am sorry to say, do not do their duty as they should. I submit—and I am sure my hon. friend the Member for the Coast will jump up—that if the European unofficial members on that Council will not agree to the elective principle, it is high time they gave up their seats on the Council and gave them to others. I submit also that a native member should be appointed on the Board. A resolution to this effect has already been passed by the Mombasa Municipal Board, and we have certain intelligent natives who might be a great help.

There is one more point regarding local government which is causing great uneasiness and agitation and about which perhaps Your Excellency has read in the paper, and that is regarding Nyalali Bridge. That bridge was erected some years ago. It is one of the most important links on the northern portion of the coast. Lately, the new managing director has—I do not know whether rightly or wrongly—increased the rates. We used to be given a concession on a bicycle of Sh. 5 a month. Now they are asking 25 cents each time a fellow has to go to the Island. A great number of people—European, Asiatic and native—have to travel to the Island and back, and the result is that they are finding it very hard. They used to charge Sh. 50 a month for a motor car. I am sure Sh. 60 is a very good fare for people who happen to live on that side to come over twice or three times a day to the Island, but now they have increased it to Sh. 75. Similarly, other charges have been increased. I had a talk with the hon. Commissioner for Local Government about this and he gave me certain reasons why the Government does not intend to buy the bridge at the moment, but I am sure that the time will come when Government will have to buy it, or the Municipal Board will have to buy it, otherwise there will be no improvement on the northern side of the Island. Numbers of people go to Malindi, Shanzu, and other places north of Mombasa each day, and each one, even those who are permanently living there, will have to pay Sh. 2 each time he comes to the Island and goes back. This is one of the results of monopoly, and those who are responsible for creating it should see that this is not a fair way of dealing with the public.

Now I come to a few topics in general. As regards the new buildings which are going to be erected, I wish to stress that we must not put up buildings of such magnitude that they are 50 or 100 years in advance of what the economic conditions of the country allow. I would suggest that, whoever is responsible for the disposal of this big amount in the Development and Reconstruction vote, should see that great care is taken not to make pictures for tourists to see; huge buildings and so on, but that they should be built on an economic and sound basis

[Dr. Rana] which will serve the purpose for which they are required.

I want to draw the attention of the hon. Member for Law and Order to the great dissatisfaction and sense of grievance under which the assistant inspectors, and sub-inspectors particularly, of the Police Department are suffering. I have seen their memoranda and applications. I do not know whether they have reached the proper quarters. Although Government pays pensions, travelling allowances and so on to the European personnel in Government departments, these people do not get those allowances. I hope that their cases will be carefully looked into. I am of opinion that the Police and the Law Department are two departments expenditure on which in the next few years we can have a satisfied grudge, so long we can have a satisfied staff, no matter what race they belong to. This is the only branch of the service by means of which bribery, corruption and various other diseases can be checked. I think it is high time that due consideration was given to the loyal and hard work in certain cases which they have done, irrespective of race. I for one believe that whether a man is European, Indian or native he should be given a reasonable wage according to his ability.

In this connexion I would mention the fact that the Asiatic civil servants are also dissatisfied. Their grievances to some extent have been already considered. But I think that no one will disagree that all these people during the war have suffered more than any other individual. They are the people who have limited incomes and have had to buy food, clothing and everything else on the black market. I consider that due regard should be paid to them.

As I have said, after this terrible war the allied nations and the British Empire have come out victorious in this life and death struggle. We must not forget those years, and if real prosperity and real progress is coming to this country I submit that better relations between all the races who have made this country their homes and who have a legitimate right here, are essential and indispensable, and their individual problems should be considered on their merits and not on the

colour question. The days are gone when these things could be tolerated, and I am not saying this in any agitative way, but very humbly, and I repeat it, that those things are not going to be tolerated in the British Empire as they were before the war. In that connexion, I would submit that certain posts in the Government and in the local government should be open to Indians, natives or Arabs if they are reputable and fit to hold them.

With these few remarks I support the motion. (Applause.)

MAJOR KEYSER: Your Excellency, I should like to congratulate the hon. Acting Financial Secretary on the mastery with which he has presented a budget which bears no relation whatsoever to the economic state of the Colony. (Hear, hear.) We have during the last three or four years been enjoying a fortuitous prosperity which, with the end of the war, must disappear. He has budgeted for something like £600,000 more revenue this year than last year. What are the sources from which that revenue are to be derived? What are the industries of the country from which the national income derives? We have heard during this debate quite a number mentioned—agriculture, mining, secondary industries, tourism and so on. We have also heard about phoney finance, but I maintain that most of these suggested sources of revenue are also phoney. We have agriculture, the basic industry of the country, on which to some extent we can rely for revenue, but I suggest that all mining, tourism and the rest are all rather nebulous and that we should confine our hopes and aspirations for income to agriculture only at present. To rely on anything else is dangerous.

What is the state of agriculture to-day in the Colony? It has been pressed hard during the war to meet war conditions. We have reached the stage where we are only feeding ourselves with gravo difficulty and you, sir, yourself mentioned the parlous condition of the staple food of the Colony, maize. It is extremely likely, you said, that unless this maize crop is a particularly good one and we get the short rains now, we may have to import maize, and the import market to-day of maize is not a very good one. We know South Africa has been trying

[Major Keyser] Has that ever been tackled? Has any education on that point ever been brought to the native? Because I think that some action in that line will have to be taken in the near future before overstocking can really be tackled, and when it is done it must be done with a certain amount of concurrence of the natives. This education of the natives to a different system of bride price should have started many years ago. I remember 20 years ago in this very hall it being suggested to Government, but nothing seems to have been done, and the native still seems to be going on with the same idea of bride price and overstocking, and it is not the native I blame but the people who administer him and fail to educate him on that particular point. I do not think that presents a very favourable future from the agricultural point of view.

There is a very great shortage of voluntary labour, not only for these exporting industries, but also for the food part of agriculture, and unless labour is forthcoming and more plentiful than it is to-day it is doubtful whether we will grow the same amount of maize next year, and possibly wheat, that we have been able to grow in the past. You have the land in the native reserves with great pressure on it, of both animal and humans, and I cannot see that any action Government has taken in the past has been conducive to get any of that population off the land to work where it is required. You have the case of the Tetta who, I am informed, not so many years ago came out in large numbers to work. Owing to the action of the Government they returned to their reserve to grow vegetables, and they supplied what was a very needed market for that particular commodity. But, in so doing, they have ruined their reserve; in doing so they have failed to grow foodstuffs for themselves, and I am informed on quite good authority—which I should like contradicted or not—that during the time of growing vegetables and receiving high prices they were also being supplied with food at reduced prices. I do not think the pressure on the land has really been tackled; that its fundamental causes have really been considered.

Take the question of overstocking in the reserves. Stock is a perambulating current account for the native, and you cannot blame him for it. It is his custom. Owing to his marriage laws and having to pay marriage dowry in the form of stock, he must build up a reserve in order to be able some day or other to get married. You cannot blame him for collecting large numbers of stock in order to be able to get married one day.

What is the market point of view? We have heard it stated during the last two or three years that it is very desirable there should be some stability in agricultural produce prices. With that we can all agree, and it is generally agreed that unless we do have some form of stability we are going to be faced with the terrific low prices of the past and consequent depreciation of all values as a result. But it is still only a hope, we go on talking about it until we kid ourselves and hope is a reality, but there is nothing in it all so far, and any day finance may crash in America and Europe, and we still live on hope. I have planted more crops of hope in this country than anything else and reaped the worst harvest! But we go on living in hope, and hope that some financial agreement will be reached between Britain and America. Suppose it is not? Then what? Suppose there is a financial crash, where is your budget with £600,000 more revenue budgeted for over last year? If it does not come this year it may next year, but rather than that on budgeting for an increase let us at least keep it where it was last year, and then perhaps next year we will be in a better position to start on reduction.

I say this because I have recollections, although I was not a member of this Council, of the rightful sort of feelings that were given rise to by the Geldes and out of the cutting down that occurred last time. I do hope that we

[Major Keyser] shall avoid that very, very uncomfortable period that we went through before. (Hear, hear.) Let us take the bull by the horns and really start putting ourselves on a sound basis. I am told that it is extremely difficult to-day to fill vacancies in various departments because our terms of service are not attractive enough. Well, that I believe is the case, but I do hope that we are not going to alter our terms of service to the extent that will attract people who are to-day coming out of the army where they have been earning very high pay, I hope that we shall not alter these terms merely to attract those people to-day, and alter those terms permanently. If we have to alter the terms to attract people to-day, it should be on a temporary basis and not on a permanent one. I believe myself that in a very short time, possibly a year or two years, one will find even professional people growing on every gooseberry bush and be able to get all we want. If necessary, I see no harm with a short staff for another year or so rather than commit ourselves to salaries which we will not be able to afford in the future. (Hear, hear.)

Referring to the budget, there is one thing I did not quite understand, and perhaps the hon. Acting Financial Secretary can enlighten me when he replies, and that is our Maize Control. I see on page 19, Miscellaneous Receipts, Item 11, Maize Control revenue £80,000, but nowhere in the budget, probably I do not know where to look for it, can I find the expenditure for running the Maize Control, and I do not believe it is run without any expense, unless it is hidden away. Why I particularly want to see it is because I believe the Maize Control makes vast profits. Anyhow, if it does not, it should be by then have an item "reduction in the cost of foodstuffs, £100,000". The explanation of that is that reserves of foodstuffs have got to be kept in storage and costs are estimated at something like £100,000. I should have thought that a lot of that cost of storage could have come out of the vast storage which I believe the Maize Control is making. Again, we have famine relief £80,000. I should like to know how this is incurred. Is it due to free issues or is it due to foodstuffs being sold at reduced prices? If it is due to the fact that

foodstuffs are being sold at reduced prices, I thought that one of our problems in the reserves to-day was that we could find nothing to absorb the large amounts of cash that have found their way into the reserves during the war from army pay. It seems to me that this is a very good way of absorbing some of that finance.

With regard to further expenditure, we have the enormous increases of the Education and Medical Departments. They are brought about to a very great extent by the very great increases of annual increases in the populations of the country. If you are going to have free medical services and free education, compulsory education—and compulsory education means it is not only compulsory on the parents to send their children to be educated, but compulsory on Government to educate those children—then I say that Government should have some control over the number of children that are produced in each family. (Laughter.) We have the big problem of over population not only in this Colony, it is not confined to us, it is a problem of the world. I believe myself firmly that the last two world wars have been entirely due to over-population of Europe, and we are now getting to the stage where other parts of the world are being very seriously over-populated. With over-population we are creating the frightful problem of what to do with the surplus population. The hon. member Dr. Rana suggested the use of atomic bombs; if I understood him, that we ought to allow populations to increase to have something for atomic bombs to destroy. My methods, I think, are kinder (laughter), but the time has come when we should seriously consider educating the populations of this country to the use of contraceptives.

As I cannot sit down before pointing out some of the expenditure which has been omitted from this budget, I would like to ask the hon. Acting Financial Secretary why, after all the plans have been drawn up to increase accommodation in the Kilite native hospital, that provision does not now appear in the Estimates. I consider the budget proposed, as the hon. Member for Nairobi South said, when you have enormous quantities of money to be spent under

[Major Keyser] War Expenditure, Civil, and an urgent and vital thing like an increase to a hospital where conditions are really deplorable permitted. It is about a year ago that I harried you with an account of the frightful scenes which occurred in this hospital, with two or three people in a bed who woke the following morning to find the fellow in the middle dead, and so on; there are women and children too, two and three in a bed. I think we should do away with some of these Controls to supply relief to some of these people who have to go to hospital. (Hear, hear.)

The hon. mover mentioned that although the excess profits tax was being taken off, no date was being proclaimed for the end of the war. There may be a very good reason for that; it is probably because some of the income tax taxation would cease with the proclamation of the end of the war. I do not know whether that is the case or not, but there are other things that bear on that. There is a vast number of leases in this Colony that have been made for the duration of the war. Owners wish to re-occupy their property, and they cannot do so until the end of the war has been proclaimed. An Order in Council was made in England proclaiming the end of the war with Germany as 9th May in order to meet that particular point, and I do think we should help those people who have had their property let for a considerable number of years and now wish to re-occupy it, by some proclamation as to the end of the war, if necessary for this particular purpose only. (Hear, hear.)

Finally, before sitting down, I would draw attention again to a serious omission on the expenditure side of the Estimates which I think is more apparent to you, sir, than anybody else; that is, provision for a new-gown for the Clerk to Council. (Laughter.)

MAJOR JOYCE: Your Excellency, I am taken completely by surprise (laughter) at having to speak now, and therefore I think it is extremely doubtful if any comments I have to make will be very useful to this Council. I do not make any excuses about it, but I understood that several speakers who were likely to talk at considerable length were going to

precede me. Unfortunately that is not the case, but I hope that at least it will allow me to be brief.

I should like to start by referring, as other speakers have, to a remark by the hon. mover of this motion, my hon. friend the Acting Financial Secretary, about the mass of verbiage in which this debate is likely to be clouded, and I should like him to realize that I find the figures that have been so ably prepared by him clouded in what might be described as a wealth of foliage, and I have been unable to find my way round them, more especially with the very desirable change of separating expenditure and revenue into two groups. I say that because I must make some excuses for myself in the difficulty I have found in establishing any principle on which the division of expenditure as between the Development and Reconstruction Authority and the ordinary budget has been made. I do not want to worry this Council by repeating what has at last, I think, been realized by every member of it, and that is the absolute importance and the primary importance of the land, its maintenance and its regeneration. That has been done many times by very able speakers, but I think it is worthy of comment that I think this is the first year when there has been not one single member in this Council who has not at last realized that it is by far and away the most important matter facing this country.

I should like to refer to one or two of the remarks made by Sir Philip Mitchell which you, sir, read out the other day, and they refer primarily to the fact that we are now about to get expert help to complete the planning which has taken so many years, more particularly the arrival of an expert to help us in a fiscal inquiry on taxation, the arrival of an economic and commercial adviser, and the arrival of a consulting engineer. I think that when those experts have arrived we really shall have no longer any excuse whatever for saying that the time for action has not arrived. (Hear, hear.) We have spent a considerable time in planning. It is unfortunate, as you have stressed, sir, that the plans of the Development Committee have not yet been completed, but I think there have been possibly various

[Major Joyce] reasons for that delay. But the time has now arrived when neither the members on this side of Council nor the members of the public are prepared to endure further undue delay before some at least of the plans are put into force.

In connexion with the plans for the rehabilitation of the land, I should like some later speaker on the Government side—perhaps the Member for Agriculture and Natural Resources—to explain to me and others the precise set-up as regards the soil conservation service which appears now to be divided into two parts. I am not quite clear who actually will be responsible for that service. I feel that there is some danger that this side of the programme for the improvement of the land may be rather put to one side unless we are very careful about it. I would agree, of course, that soil conservation is the handmaid to a proper agricultural plan and that the two things cannot work independently, but there is no doubt whatever that we are wasting our land by grass leys, by the fertility of the land by grass leys, by fertilizers, by rotations or by whatever the proper methods may be—we are wasting our time, in my opinion—unless we stop soil movement, and modern opinion, more especially in America, is coming more and more round to agree that terracing is in most cases and in most countries the first essential of all the other things which go with it, and by that I mean a proper system of agriculture. I mention that for fear the soil conservation service would not get the attention and the finance which I think it requires.

Many previous speakers have referred to the alarming increase in recurrent expenditure, and I share their alarm, and I am glad to note from the memorandum in this formidable document that it is also shared by the hon. Acting Financial Secretary. But I should like to stress that there are certain services—social services more particularly—which it is quite impossible for us to consider going up year by year at the present rate. (Hear, hear.) If I can find it I should like to stress what Sir Philip Mitchell said in his message to us on that subject. Here it is: "Social services, hospitals, clinics, welfare workers and many other things of that kind are a

consequence and not a cause of primary production and if we cannot produce the wealth we cannot have its consequences." It would appear, perhaps, rather deplorable that a member of this Council should get up and suggest that the medical services of this country should be reduced rather than increased. It seems to me, however, that they have either got to be reduced or we have got to get some income from those services—an increased income. I am one of those who believe that the medical services would be more appreciated and made better use of if all races, including the African, made some contribution, however small, where it was feasible to collect those contributions, to the cost of this service.

The increased cost of education comes into rather a different category, but at the same time I consider it to be also rather alarming and, as some previous speakers have already said, I also think that those who are benefiting from those services should, where possible, contribute rather more than they are at present to the services they are getting. The reason why I think that we cannot quite say that educational services have got to be restricted in the same way as possibly medical services, is that until we get a higher level of education right through the country I believe it is going to be extremely difficult to get the African population with us, as has been mentioned by my hon. friend Mr. Mathu, and of course it is essential that they should be with us and not against us. (Hear, hear.) It is for that reason that I do not, at any rate this year, suggest that there should be a reduction in the education expenditure. At the same time I do hope that when the Standing Finance Committee arrive at the stage of considering the draft Estimates in detail, they will go closely into this particular educational vote and see if by any means they can transfer some of the expenditure from the more academic side of educational expenditure to the more practical side, whereby the African population will have greater facilities for agricultural education. I entirely agree, of course, with the great necessity for our giving every possible support to Makerere. I am not suggesting for one moment that that should be curtailed in any way.

[Major Joyce]

In regard to recurrent expenditure, while I would agree that for the time being there can be no question, this year at any rate, of any further reduction in taxation, I feel that it would be wiser, while the going is good, that perhaps a larger share of the revenue should be made available to the Development and Reconstruction Authority, for I share the view expressed by previous speakers that possibly in two or three years time we may find it extremely difficult to make a contribution, as suggested, of a quarter of a million from the revenue of the country to D.A.R.A., so that when I ask that the Standing Finance Committee should review recurrent expenditure very closely when it comes before them, I am suggesting rather that they should attempt, if possible, to transfer expenditure that is now down in these Draft Estimates as recurrent to the Development and Reconstruction Authority for capital expenditure.

I am not quite clear what provision has been made for industrial development in this country. We know, of course, the good work that has been done by the Industrial Research Board and the Industrial Management Board, but there is a feeling—or I get the feeling—that this is not getting the attention which I think it should have. It seems to be agreed by everybody that unless we move a very large proportion of the native population off the land, and off the land permanently, we are not doing what we should do to further the interests of the country as a whole which, in my view, is represented mainly by looking after the land.

I should like to give you an instance there of the possibilities of one local industry if it was properly developed. I refer to the leather industry. There would appear to be a market in these territories for about 6,000,000 boots and shoes with the leather that is available in this country, instead of exporting it. It is easy to picture what that might mean in this country; the establishment of small industrial towns at whatever places may be considered to be most suitable for them—not Nairobi, I hope! (Hear, hear.) That industry could employ primarily no less than 17,000 Africans, and on the present scale of

wages in that industry I am informed that that would entail a distribution in wages annually of £650,000—a very considerable sum. If the Africans—they would be for the most part working in that industry—were transferred under suitable conditions, with their wives and families, that might mean employment for 20,000 African families, which might mean the removal from the native lands for the period of their employment—it might be permanently—of as much as 100,000 people, a considerable number. I give that instance because I feel that this industry, and in the same degree the industrialization of this country, have been rather neglected.

I should like to refer also to the possibilities of the development of the phosphate industry. As many members of this Council are well aware, there are very large deposits of phosphates at Tororo. Moreover, the Industrial Research Board and the Industrial Management Board have found that they already have the means of converting it into a valuable form of super-phosphate, as good, if not better than, the super-phosphate that used to be imported into this country before the war, and they believe they can make that available in large quantities at a very economic price. I expect that there are certain areas in this country—I am referring for the moment to the native lands—in need of phosphates, and I think that the development of this industry might make some contribution to the improvement of native agricultural lands and others. At any rate, I think the thing is worth pursuing rather more actively than we have done in the past.

**HIS EXCELLENCY:** If the hon. member is likely to go on for much longer perhaps this might be a convenient opportunity to adjourn.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 16th November, 1945.

**Friday, 16th November, 1945**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 16th November, 1945. 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, 1945, were confirmed.

#### ORAL ANSWERS TO QUESTIONS No. 88—NGARE NDARE RIVER

**MR. COOKE:**

(a) Will Government state the reason or reasons for the delay in the hearing of the appeal to Executive Council laid in November, 1944, concerning the Ngare Ndare river?

(b) Can it give the assurance that the rights of lower riparians have not been seriously infringed by this delay?

(c) Will it give the assurance that this unconscionable delay will be avoided in future?

**MR. SURRIDGE:** (a) The delay was mainly due to the necessity for obtaining more detailed information and partly to pressure of other urgent business.

(b) It is considered that the rights of lower riparians have not been seriously infringed by any delay.

(c) Every effort is made to avoid unnecessary delays and that policy will continue to be pursued in the future.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

##### REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

**MAJOR JOYCE:** Your Excellency, continuing what I started to say yesterday, I should like to begin by asking whether in future years it would not be possible to allow a little more time between the date when the Draft Estimates are laid on the table and when they are discussed in this Council, both in the interests of all of us here as well as in the interests of the public, because I feel that, certainly speaking for myself, the time given on this occasion was not enough for many of us to get a grip of this formidable document.

I should like to mention a word about the general principles of taxation which were referred to by the hon. mover. I understood from him that he was prepared to face the maximum possible taxation to an almost unlimited extent for this country. I do not subscribe to that at all. I feel that unless in the near future some provision is made for reduced taxation after we have had the financial survey, we will be endangering the progress and development of this country. If England has been able, at this stage, far more loaded with debt as she is than this small country, to bring in a reduction of taxation in the general interests of the country, we could well do the same. I should like to make it clear that I am not suggesting that I feel this year which we are discussing. I feel this year it is far more important for us to see that we get the maximum value for every penny of taxation extracted from the people, than that we should extract the last penny, and moreover, I hope it will be generally accepted as a principle that for first priority as regards spending will, for a considerable period at any rate, be given to those services which are going to increase the wealth of the country.

(Hear, hear.)

There is, of course, inevitably and naturally, a tendency for every department to expand, and I do ask that the Standing Finance Committee when these Draft Estimates are referred to them will keep that in mind and use their blue pencil as much as they possibly can in reducing the recurring expenditure which seems to grow department by department, yearly. I should like to repeat the warning that other speakers have given about this annual expansion of social services. It must be realized from these figures that the increase in expenditure on education over two years is £180,000 and on medical services very nearly £100,000. Those figures have been touched on before, but I should like to stress a point which I think is inescapable, that we cannot continue to enjoy these services, more especially on an increasing scale, unless the people contributing from them make a larger contribution to those services than they are doing now. I feel that the Government when framing their estimates should adopt the policy which is now being adopted by most farmers, and I am quite sure by most businesses, and that is preparing

[Major Joyce]

for a time when revenue will not be as buoyant as it is now, and making provision by reserves, for that time in order to avoid drastic cutting down in two or three years' time.

Touching briefly on the vote for medical services, in spite of my fear of unlimited expansion, I should like to say how I welcome the improved terms of service for European nursing sisters. I think that has been delayed unnecessarily, and as a suggestion I should like to ask whether we can be told at a later stage what arrangements, if any, are being made to train African nurses for the future. I feel strongly, as other speakers apparently do, too, that we should get a more healthy population by expending more money and more energy on the preventive side of medicine than by unnecessarily expanding the normal medical vote, and by that I mean not only instruction in hygiene, not only an increase in health inspectors, possibly at the expense of a reduction in medical officers, but also a real drive to improve the standard of nutrition of the African all through the country.

I now come to the Public Works Department, and I have very few remarks to make about it this year because it covers so many pages of this book that it would take up too much of the time of Council to go into the thing in detail. I should like to refer to the fact that last year it was agreed that the sub-committee of the Standing Finance Committee should go into the general system of costing, as well as the cost of getting work done by the Public Works Department. For various reasons that sub-committee has not made its report, and I hope that my hon. friend the Member for Mombasa will go into that later.

I must read out and stress a comment in the memorandum on Public Works Department expenditure, because there the general principle has been accepted that as far as possible work should be done by contract, and yet in spite of that there is this very wide and, I think, rather alarming expansion of the Public Works Department. This is what the note in the memorandum says: "It has been found necessary to provide for a considerable reorganization and expansion of the Public Works Department in

order that the technical aspects of the development and reconstruction programme may be dealt with adequately. This must not be taken to imply that it is proposed that development works should be carried out departmentally rather than by contract; on the contrary it is proposed to use the contract system to the fullest possible extent. Increased departmental staff is, however, necessary for the purposes of supervision." Provision for such supervision has been made. I feel that if it is the real intention to get work done as far as possible by contract when there are suitable contractors in this country, the increase shown in these Estimates is quite beyond what is necessary for ordinary supervision of those contracts and other work. I am not suggesting for a moment that all work can be done by contract, but I feel that some explanation should be given about that paragraph in the memorandum, because it does not seem to me to quite fit.

One point in the Public Works Department estimates I think should be referred to, and that is the increase in the basic road grant. The allowance made is only 10 per cent, and I doubt very much whether that is going to cover the maintenance of roads even at their present standards. Here I am asking, as have many others, for increased expenditure and therefore no doubt am laying myself open to criticism, but I suggest that the figure required to bring the roads up to a proper standard—the figure of increase—is more likely to be 50 per cent, and that money could well be forthcoming if the Standing Finance Committee did a bit of pruning in other directions.

There are one or two minor points which I am going to ask questions about in order that some Government speaker at a later stage can give answers to them. One is the question of grain storage. I was under the impression that about three years ago we had one or two experts in this country to advise on silo grain storage, and that they made various reports, and I just want to ask the Member for Agriculture and Natural Resources, or whoever it may be, to inform us what the position is about that. I am not referring to reconditioning plant and stores which have been put up; I mean large scale storage which was contemplated in order to provide some insurance against famine.

[Major Joyce]

My next question is on the question of the cost of the man and woman power organization which I have not been able to find. On page 157, under War Expenditure, Civil, between items 5 and 6, there is in small print: "Man Power Office," and no figure at all, and the note refers one to an item on the next page—item 31—and the note says that it is included under item 31. Well, item 31 is "internment of enemy aliens," so I expect there is some mistake here. I should like to know what the proposed cost for the Man and Woman Power Office, if possible each independently, and what the cost was last year. (Mr. FOSTER SUTTON: It is on page 170.) If the answer is in the book I will withdraw that question and apologize for wasting the time of Council!

I want to ask the hon. Director of Education a couple of questions. One is that I know there is provision of a small amount of £300 for an addition to the African school at Machakos for the training or education of girls. My question is whether he considers that sufficient. I think this is a particular case where these people are very insistent, as indeed they all are, on the need for education and they have made considerable contributions, and I think it would be wise, and fair moreover, to do what is possible within small limits for increased educational services in that particular area. I feel that perhaps £300 is rather a meagre amount for even a start to be made in regard to the education of the Wakamba women.

My second question, also directed to the Director of Education, is whether he can inform us what help is available to the public, any information as to curricula and so on for the establishment of farm schools. I think there are quite a number of people up-country who are not aware of what help they can get from this department, and it would be wise if he made a statement on that in due course.

I now come to the Development and Reconstruction Authority, and refer to page 185—one item only—under anticipated revenue, for this is probably the only item that is quite certain, and that is one and a half million from Excess Profits Fund. The total contribution estimated from that fund over a period

of ten years is, I think, two million pounds, and I think it is a matter of considerable interest that £1,800,000 of that £2,000,000 has been contributed by the European community of this country. I think that at least indicates the willingness on the part of the Europeans of this country to contribute, and contribute generously to the various development works which in the main, as laid down here, are for the benefit of the African. I stress that because I do not think it is generally realized.

Coming to the expenditure side of the Development and Reconstruction Authority, I should like to comment on the head General Works Staff, which allows for the employment of no less than about 100 Europeans at a cost of somewhere in the nature of £60,000 a year. I think that is quite justifiable provided we are satisfied that we are going to see the result which we will expect from the employment of so large a number of people, when they are available.

I welcome the item on page 189, part of which comes under Colonial Development and Welfare Fund expenditure: The item I refer to is something over £128,000 for the Soil Conservation Scheme, and in that connection I should like to be told later on who is going to be responsible for that. I am not quite clear as to the division of responsibility between soil conservation work under the Development and Reconstruction Authority and the normal soil conservation work that is entered in the estimates of the Director of Agriculture. There is a small matter on the same page—(item 5, Aviation, £25,000)—Improvement of Aerodromes. I only ask why that is particularly included on that side of the Estimates more than any other. I see no particular reason, but no doubt there is a good one.

On the following page—190—we are shown a rather formidable expenditure on equipment, plant and machinery amounting to something over half a million pounds. There again, if all this machinery is going to arrive—maybe some of it has—and be put into use, I do not quite see where there is any room for any work to be done by contract, as is stated specifically in the memorandum as the main intention. Perhaps we could be told something about that. One sees



[Major Joyce]

road construction plant, £193,000; soil conservation plant, £100,000; and water supplies, general equipment, £163,000. I would more particularly like to ask what the water supply general equipment, £163,000, refers to, because it is a very large sum, and I think the country ought to know whether the Government is going to undertake water boring, for instance. When they did water boring in the past they did it at very considerable expense both to the customer and the Government!

In regard to the general matter of salaries—and all the time I am referring particularly to the Development and Reconstruction Authority—I myself have no particular objection to the importation of really highly qualified people for a short period of time, at high salaries, because we shall have to go into the open market and buy the best brains you can get, and the expenditure of another £1,000 or more per year may well result in considerable economies. But, generally speaking, I do think the salary scales of other people who are going to be employed may be on the high side, and I would rather like to draw attention to page 203, Appendix C, to some of the salary scales in the first few items of the budget, under "European Settlement Office, personal emoluments."

In regard to the general principles of the budget for the Development and Reconstruction Authority plans, it is difficult to apply the same principles said to indicate the sound finance of a balanced budget as is obviously essential in the ordinary budget of the country. I hope I am not too heretical when I say I am quite prepared to see in the Development budget periods when that budget is not balanced. I would not be prepared, of course, to accept a similar state of affairs with the ordinary budget of the country. But the fact remains that there is a tremendous amount to be done, and expenditure in one year may be in excess of the amount allowed. The whole point of this new set-up for reconstruction and development is that it would not be necessary year by year to spend the precise amount shown in these figures, but I think I should like myself to know the intentions of Government about borrowing money for expenditure in future. It seems to me that unless we are prepared to go and borrow money

at reasonable rates of interest, the essential development that we all agree has got to be faced may well go on for a period of two or three years and then die.

Now a few remarks about the provision of land, the search for land for the Wakamba. In the first place, I was very glad to see that in the new set-up the responsibility for getting on with that search for land comes under the Member for Agriculture and Natural Resources, and it was, as I think the hon. Member for Nairobi South mentioned, a most alarming statement by the hon. member that he considered that the Kamba would remain on the dole for a period of years. In the first place, I have never seen any reason why the problem of the Kamba reserve should be divorced from the Kitui reserve; they are right alongside and suffer the same thing. I think we are rather apt to look on these things as apart. There is no doubt in my mind—I do not know whether other people would agree with me but I think they would—we are not looking for a few thousand acres here and there but two or three thousand square miles. Nor do I think it is impossible to find it, though it may cost a good deal of money to make that land habitable. But I am a little alarmed at the delay that has already taken place in making a search for it. I am convinced myself that this land can be found in areas that are at present unoccupied, outside those areas which are controlled either by the Highlands Board or the Native Lands Trust Board and, moreover, unoccupied at present. That is my firm conviction, but of course we have got to get on with the search.

There is on page 192 provision for an investigational team, item No. 2, under African Settlement. Well, I feel that if we wait while this peripatetic team of experts go round the country we will have to wait a very long time, and I hope and think the hon. Member for Agriculture will be able to indicate to us a quicker way of covering the country. Any preliminary investigation will be followed, presumably by an expert one as to whether this land can be made available. I think if suitable maps were made available in his office and he asked people all over the country, many of whom should know the unoccupied areas, including the white hunters, he would get

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a good deal of information without having to wait. That information would have to be checked, but the information would come in quicker than in the past, but I do feel, and all agree, that there is not very much time to dawdle about it.

In regard to the methods to be applied, I should like to welcome and agree with the statement made by the hon. member Mr. Mathu, and that is that it is essentially important to get across to the uneducated Africans the reasons for the revolution in agriculture, for it is nothing less than that, which will have to take place. I agree with him entirely when he said that if that is explained properly to them it will make the task very much easier. I further agree with him that, such changes as will be necessary should be done where it is possible to do them under methods that follow native custom as far as possible, but I would issue a warning that time is very short, that we cannot wait for a long period for instruction or investigation, and it may be necessary—and I fear that in some cases it will be necessary—to take certain action which may in the first instance be hard on certain people but will not brook delay, and I hope we can count on the hon. member Mr. Mathu and other educated Africans to help us in seeing that this is done, and done as wisely and properly as possible. (Hear, hear.)

I welcome further his references to land security, and I have great sympathy with him, and I think there is not one member of this Council who has not got the same feeling. Of course, they are liable to wide interpretation, and my interpretation at any rate is based not so much on individual tenure as on the tenure of the tribe or sections of the tribe or whatever it may be, because I think we must agree that some of the things that will have to be done in order to revolutionize agriculture in native areas will make it impossible to maintain the full degree of individual security that some would like. But provided that there is no land misused, provided that land is not required for public purposes—and my interpretation of that is the normal one of roads, railways, power schemes and so on; that is my interpretation—I think anyone can accept complete security. Land security as referred to by the hon. member Mr. Mathu, I do

not know whether I am right or not, is in fact subject to these public purposes. Tribal lands must be made secure for all time, as in fact they are.

I should like to mention one point, one rather important matter, in connection with getting work done in this Kamba reserve or other areas. I believe it is commonly referred to as a "land army," and I understand there is a great deal of difference of opinion about it. I have not thought of it in terms of land armies, but as a major social problem for the employment of some of these ex-askaris who are being so rapidly mobilized. As we know, the army will probably have ceased to exist except in a small regular army to be maintained in this country; in fact, demobilization will be complete by August of next year. It amounts to 24,000 askaris per month from the 1st January, of whom it is reasonable to suppose that about some 6,000 come from Kenya. All agree that the African wants, during that demobilization, to go back to his reserve, and it is a matter for conjecture as to how long he will stay there after his gratuity and other money have been spent. I think it would not be an unwise guess that 20 per cent of them, after a period of three or four months, maybe five months, will want employment, and will want employment at a moderately high standard of wage and food. It is guesswork, I admit. Well, I think we have got to be prepared for that demand, whether it eventuates or not, and when it is translated into facts it means that from about February or March we should be prepared to employ say 1,000 of these ex-askaris per month up to a maximum of maybe 10,000, but it may be only 5,000, and no doubt it will be very expensive. On the other hand, it is open to argument whether a great deal of the work that we have assumed will be done by mechanical means in the reserves might not be done without greatly increased cost by such a land army. Moreover, the essential part of it to my mind is that they should be offered, by what they have had periods of service officers who have had periods of service with these same people. I think we have got to face up to the fact that even say 10,000 of them may cost us in the neighbourhood, when you begin to work out the figures, of a quarter of a million a year, a very large sum, but there is provision here, I see, in front of me on page

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193, "Unallocated, £500,000," though I do not suggest dipping into this nest egg without very mature consideration. But it seems to me that possibly a great deal of work in these reserves could be done by such a land army, which would give them occupation, and I think it is going to be important to be able to offer it to them at a reasonably high level both in wages and in food. I have discussed this with a number of officers who have had close contact with these people, and they are of the opinion that they will be perfectly willing to do any work in clearing, making terraces and dams. I do not know. I think personally they are right, but as against the criticism that will undoubtedly be made that if you employ these people at say Sh. 18 or Sh. 20—

I am not suggesting any particular figure—to get that work done, it will wreck the whole of the labour market. I do not agree. I believe these people could do twice as much work as the ordinary person, and that would be a lesson to the people alongside of whom they are working in the reserves and other places of what could be done by a general improvement and more supervision of labour.

Finally, I would like to refer to two principles which have been touched on in the message to this Council from Sir Philip Mitchell, which you, sir, read out, and to stress them once more. One is that so little can be done unless there is more stability in the prices of primary products, and this country has little means of controlling that in any way. I personally am one of the people who believe the United Nations must and will do something on these lines, otherwise they will face a recurrence at intervals of a world war. Though we have no control over it, I do not think we need be the least gloomy. The second point is, it is only by the creation of primary wealth—to which I would add the establishment of secondary industries—that will enable this country to build up some form of economic prosperity. Finally, we have had a great deal of planning, and planning is a continuous process, and so is action. Planning has started, and is still going on, and I suggest that action should now start and continue indefinitely. (Applause.)

I support the motion.

DIRECTOR OF AGRICULTURE (Mr. Blunt): Your Excellency, I rise to support the motion before the Council. I am not going to enter into a very long discussion on the various points that have been brought out up to the present in connexion with the budget, but I would like to say a few words in connexion with the soil conservation services. I am not going to discuss the question of soil conservation itself at length, because I understand that it is probable that a motion will be before Council at a later stage, and we shall have an opportunity of discussing it then. But the hon. Member for Nairobi South in the course of his remarks asked what steps had been taken in the past year to conserve the soil in native reserves. I have had to speak on a similar question for the last five years during this budget debate, and in each of those five years I have had to offer an excuse for the little that has been done, and the excuse has always been shortage of staff and shortage of equipment and machinery. I am afraid that once more, much as I regret it, I have to offer that same excuse in regard to the past year. But we see daylight ahead, and that excuse will not be offered again (hear, hear), because we are already beginning to obtain staff and machinery is expected within a short period. But although the work that we have done in this year, both in the European areas and in native reserves, is hopelessly inadequate, there is work being done, and I think that possibly some members of this Council do not realize what has been going on, in spite of the difficulties in connexion with staff and equipment.

The staff available for soil conservation work is shown in the Estimates, and I think hon. members know that we have one senior soil conservation officer and one soil conservation engineer, three assistant conservation officers—and a couple of learners. Apart from that staff, the work that is carried out by the Department is carried out by the agricultural officers, who have had many additional duties thrust on them during this war period, and who are thinly spread over the country. In fact, we have not got an agricultural officer or an assistant agricultural officer in every native district. Hon. members will know that we have been carrying on with a certain amount of terracing work in European areas up to the limiting capacity of the

[Mr. Blunt] machines we had. Other members may know that we have undertaken certain major works such as the survey and planning of the whole of the Rongai area, which is now nearing completion. As regards the native reserves, a great deal has been going on, and I may be forgiven, perhaps, if I quote one or two figures in regard to what happened during the first six months of the present year 1945—I obviously cannot give you final figures for the full year yet.

In the Central Province alone during that half year some 35,000 acres were closed to grazing to recuperate. A very large amount of grass planting was undertaken in various parts of these native areas: Tree planting has gone on satisfactorily and a number of new tree nurseries have been established. Live stock stopping has become much more general, and a large amount of gully stopping has also been done. During that half year over 5,000 acres were terraced by hand by Africans, a number of dams were built, and strip cropping done over considerable areas. In one district alone the Africans have begun now to purchase and apply manure, and during that period they are known definitely to have purchased over 2,200 tons, and that does not account for further private purchases known to have taken place; it is quite probable that over 3,000 tons have been purchased from outside that native area in the first eight or nine months of this year. In addition, in the Central Province over 500 grass drainage ways were installed during the year, and a good deal of paddocking has been undertaken. It will be recalled that last year a river scout system was introduced, and we now have during the present year something over 100 river scouts working under hon. orary river wardens. And here I should like to pay a tribute to those members like you, who have taken on that job of the public who have taken on the effect job. Between the two of them, the effect of the river scouts and river wardens has certainly begun to show itself in improvement of the rivers of the country.

The point that was raised by the hon. Member for the Coast, in which he spoke of the criminality of those persons who ruined the land and the fact that they should be pulled up sharply, has not been overlooked. I cannot give any number, but a very large number of cases have been brought before the native tribunals

by the native authorities themselves, of natives who have neglected to carry out soil conservation measures that they were required to do. In the case of the Europeans, I myself have issued a very large number of orders. There must have been well over 100 orders to undertake work or to cease malpractices. Although we have had no cases before the court, I can assure the hon. member that the effect of those orders has been very satisfactory, and the reason we have not taken cases to court is because, after an order has been placed it is nearly always complied with. I do not wish to suggest for one moment that I am in the least bit satisfied with what we have done, but I think it is only fair to the staff concerned—not only the staff of my own department, but the Administration—to indicate that a good deal is being done, although it is far too little to stabilize the position. In addition, of course, the Soil Conservation staff have been responsible for a large amount of planning of the major works that we hope to undertake during the coming year, and that planning is a process which accepts a vast amount of time and thought if it is going to work out satisfactorily.

I would refer next to a remark of the hon. Member for Ukamba on the subject of soil conservation works, wherein he suggested that it is essential that soil movements should be stopped first and that all means possible must be used to that end. There is room for argument as to the importance of the various methods of undertaking soil control. I have stressed in the past in this Council and elsewhere the fact that mechanical soil control is not the whole thing; nor is it half the requirement, but I agree with him it is an essential part of our efforts to rehabilitate the land. It should like to urge again that all these methods must be employed together. It is not a bit of use relying only on mechanical measures, or even on any particular farming measure, to rehabilitate and save our land. There is no short cut, and we have to employ all methods together and let each reinforce the other.

I have a note of the hon. member's speech yesterday in which I understood that he suggested that the sums of money provided for soil conservation work during 1946 in the Estimates did not appear to be adequate, but I rather gathered from his remarks this morning

[Mr. Blunt] that could not be his meaning. There is a sum of £135,000 approximately provided under the (a) and (b) heads for soil conservation work, and I believe that that sum is quite as much as we can profitably spend during the period. We have to obtain staff and we are obtaining them, but before they can do very much they have to be trained. It is impossible to obtain staff with the training required, so we have to give it to them ourselves. I should like to make this point very strongly, that in any of this kind of soil conservation work it is of first importance that the work be well done. If it is not well done it cracks up in a very short time and the whole thing may be wasted. We have had examples of that in the past, and we must ensure that the work is well done, and we can only ensure that by ensuring that we have competent staff to undertake it.

I should like now to turn to the remarks of the hon. member Mr. Mathu. In speaking of the position with regard to the land on which vegetables have been grown in the Karatina and Kerugoya areas in the past for the dried vegetable factories, he seems to suggest—if I heard him aright—that the land had been taken from the Africans to whom it belongs. That is not so at all. The only land that was taken was a very small area indeed outside the township, which was added to the township area for the establishment of the factory and quarters and various ancillaries. The land on which the vegetables are now grown remains, of course, in the ownership of the natives. I believe—and the natives in that area will, I am sure, agree—that the presence of those factories in that area has been of real value to them. The amount of employment, both direct and in the production of vegetables, that has been provided over the past few years has been very considerable, and the amount of money that has been disbursed in that area must have made a very great difference to that area.

I understand that there is some doubt in the minds of the natives there as to whether they wish the factory to continue if it should be taken over by a firm from England which has been inquiring into the question. I should like to put it this way. There is little possibility that the factory could continue unless it is possible to interest some large organiza-

tion in it. Whereas during the war when we had the Army requirements to fulfil it was perfectly easy to run the organization departmentally and to turn over the profit to the Army, when we come to peacetime conditions and have not got the Army ready to swallow the whole product, we have to have a marketing organization, and that, I submit, is quite beyond the capacity of this Government to provide, because it will have to be practically a world-wide organization to spread the products far beyond our boundaries. That is the kind of thing that can only be undertaken by a firm which has the organization ready to undertake it. Now a firm of this nature has the whole world to look to for its activities; it need not come to Kenya; it can go anywhere in the world, or certainly anywhere in the British Empire where conditions are suitable, and it is, I consider, most fortunate for us and for the natives in that particular area I am talking about, that we have a firm of this standing considering continuing to run the factory, and I submit that it is up to the natives to do everything they can to encourage this firm to decide on that spot for its activities. If that firm does not come I believe that the factory will close down, and that will be the end of that very profitable little organization.

There is another point made by the hon. member and that was in connexion with propaganda and the understanding of farming methods, and there I agree entirely with him. I do not think we have done nearly enough in the way of propaganda in native areas on improved farming methods. Unfortunately, we have over a period of at least the last 20 years, possibly more, had a certain amount of staff working in the native reserves and endeavouring by personal propaganda, by demonstration and otherwise, to improve the general level of agriculture in the native areas, and I have to admit that that propaganda for the greater part of that period seems to have fallen on deaf ears. It may be that it was not put over in the best way, but it was put over in the best way that we knew how to put it over, and it is only within the last few years that we have begun to see real results. I have indicated, I think, already, in talking about soil conservation, that we are now getting results, and I believe that one of

[Mr. Blunt] the major difficulties we have been up against and which we have never satisfactorily realized or tackled, has been bound up with the native organization of agriculture. We have talked and demonstrated to the men and, by large, it is not the men who really are the agriculturalists in the native reserves: it is the women, and we have never been able to get hold of the women and get anything across to them up to the present. But during this past year there has been a most interesting development, and that is that in one area of the Central Province the habit of holding women's barazas has started. We hold periodic agricultural barazas at which we get a number of women who are really beginning to take an interest in agricultural subjects, and I believe that that is a start of great importance in our methods of reaching the native agriculturalist, if we can develop it.

There is one more point made by the hon. member Mr. Mathu to which I wish to refer, and that is the question of the employment of Africans in certain departments. He suggested that certain departments were not keen on the employment of African staff. He instanced three or four departments which were keen, but in that list he did not include the Agricultural Department. We in the Agricultural Department have for long realized that we cannot hope to make much improvement in native agriculture unless we have adequate native staff on the job, and I have been extremely disappointed during the past year to find that of the number of, I think about 36 Africans who are going from Kenya to Makerere for higher training not one single one is proposing to take an agricultural course. There seems to be something radically wrong if that is the position, and if the African seeking higher education is not prepared to go in for agriculture, which after all is now and is bound to be for any time we can foresee in the future, the mainstay of African life in this country.

I should like to appeal to the hon. member to use his influence with Africans, and I should like him also, if he could, to tell me the reason why that position has arisen and why it is that the African seeking higher education will not look for it in the most important sphere of all—that is agriculture. I am

certain that until we can get some of the best of our Africans—or rather I should say until we can get large numbers of the best of our Africans—taking agriculture as a real career, agricultural reserves in the native reserves will never achieve the place that it will have to achieve if this country is going to arrive at the prosperity we hope to see.

Mr. DAUBNEY (Director of Veterinary Services): Your Excellency, there are two subjects to which I propose to refer in supporting this motion. The first of these is the proposal to establish a Live Stock Marketing Board, and address, you referred in your opening address, and to which reference has been made, by two speakers in the course of debate.

The hon. member Mr. Mathu, dealing with the general problem of introducing better farming methods into native reserves, spoke of destocking, and spoke of the need for education and propaganda in those reserves in order that we might carry the natives with us in our plans for the future. He referred to the sociological and almost religious importance that the African has been accustomed to attach to his live stock, and he stressed the great need for education and propaganda on this subject. Naturally, I am in complete agreement with him on this point, and we have devoted a very great deal of effort during the past 20 years to educating the natives in the simple principles of animal husbandry and the management of his live stock. Here and there we appear to have made a little progress, as for example, at the Nyeri reserve, where Mr. Hammond, the veterinary officer, has succeeded in inducing the Kikuyu to accept the compulsory limitation of their stock and the culling of worthless animals as part of a programme in which dipping under the Cattle Cleansing Ordinance is the main feature. But when the hon. member goes on, as he did, to talk of extermination or a reduction from 6 to 60 to 100 per cent as the possible objective of the proposed Live Stock Marketing Board, it is very evident that we have not made very much progress with our educational propaganda (laughter), so I propose to make a fresh start and begin on the hon. member. (Laughter.)

I will explain just how we arrived at this plan. For a good many years overstocking was only regarded as a cause

[Mr. Daubney]

of the deterioration of native lands, and numerous committees and commissions tried to devise systems of destocking. Prominence was given in these discussions to the very poor quality of native cattle, and as recently as 1929, when the Hall Commission sat, it was considered that the only possible outlet for these poor quality native cattle was through a fertilizer factory, which would have to be heavily subsidized by His Majesty's Government. In 1936, I think, I was able to persuade the Live Stock Inquiry Committee that there were other possibilities of marketing native cattle, and the efforts of that committee resulted in the establishment of Liebigs' factory at Athi River in 1937. The initial efforts to obtain livestock for that factory were unsuccessful, and there is no need for me, I think, to remind hon. members of the subsequent history. It will be sufficient to say that never, since the factory opened, has it been able to obtain an economic quantity of native cattle from any of the reserves in Kenya, and that since the factory has been in operation it has been working almost entirely on cattle brought from Tanganyika or Uganda as the case may be.

With the outbreak of war a new demand arose, and it was at once obvious that we would have to institute some form of control and to acquire cattle for the purpose of essential military and civilian supplies by means of quotas drawn from the native reserves. These quotas were accepted by the Administration after due consideration and discussion, and up to the end of 1944 the average take from Kenya native reserves of cattle by the Live Stock Control has amounted to 2.3 per cent per annum of the cattle population of the areas from which the quotas were drawn. The introduction of compulsory inoculation against rinderpest in 1942 enabled us to form some idea of the numbers of cattle that were remaining in the reserves that had been completely inoculated; we were further able to carry out a simple census of those areas including all the Kikuyu group of reserves of the Central Province and Central Kavirondo; we have also had other censuses, in particular the Nandi one recently.

I wish to say at this stage that these counts of compulsory inoculation revealed no indication whatever that the

animals taken by the Live Stock Control have resulted in any decrease in the cattle population of the areas. There is a shortage of mature slaughter stock in the reserves, but there is a shortage of slaughter stock all over the world, which seems to arise from the higher standard of living in regard to the consumption of meat at any rate that obtains during war years, and the large amount of money that is available for making purchases. With reference to these figures, I would say that the off-take from the European herds of the country, herds which in the main consist of dairy cattle, has been almost 5 per cent, and I would also remind hon. members that in Australia the figures for a number of years show that the off-take for slaughter of the cattle population has varied from 13 to as much as 18 per cent in certain years and there has been no decrease in the cattle population. When due allowance is made for the fact that the Australian cattle industry is probably—or certainly one can say—a much more efficient industry than the African stock industry in this Colony, there is still a margin left, and I think we may say that the higher production and higher off-take in the future, on the assumption that this compulsory marketing of native stock has done no harm—and I have every reason to believe it has done no harm—it may, in fact, have done some good, not by reducing the cattle population but by its educative effect in inducing the African to regard stock as part of his farm produce.

We propose a marketing scheme for all the cattle in this Colony. The problem should be considered in two divisions. As it affects—I am speaking of the native industry—the pastoralists and as it affects the agricultural reserves. The pastoral areas are suitable only for stock farming for the raising of beef cattle or of sheep for slaughter or meat, and since there is no slaughter in the pastoral areas, such areas as the Masai, Northern Frontier Province, the whole group of the northern reserves, Samburu, Turkana, Kamasia and Suk, the only sources of income available to these people is from the sale of their live stock, and one of the first things we have to do if we are to raise the standard of living in those reserves is to devise a proper marketing scheme which will ensure that the producer receives the maximum possible

[Mr. Daubney]

proportion of the eventual sales value of the animal from the market. Formerly, the bulk of cattle sold from these pastoral reserves passed into the hands of itinerant traders, and probably went through several hands before finally the meat was bought by the consumer. We believe that an orderly system of marketing according to weight and grade in that way can very greatly increase the proportion of the price that reaches the producer, and at the same time we can prevent the price charged to the consumer from soaring to the stage at which consumption is reduced. The provision of such a marketing scheme for the pastoral reserves is, therefore, perhaps the first essential. From that funds can be made available for the improvement of grazing and to provide water supplies.

I would mention here that the effect of compulsory rinderpest inoculations has been almost to stamp out rinderpest in the reserves where it was previously enzootic. There has been a very marked decline in the last two years, 1944 and 1945, in the number of hides that have been coming forward for export to the Hide Exporters Group, and undoubtedly one of the causes of that decline has been the almost complete elimination of mortality from rinderpest. That has an obverse side in that unless we provide these marketing facilities and unless we induce our Kikuyu Africans to make use of them, we are going to contribute to overstocking.

For the agricultural areas the problem is rather different. The African in the agricultural areas such as the agricultural reserves of the Central Province or Nyanza, requires stock to be incorporated in his farming operations if the fertility of the land is going to be kept. I think there can be no two opinions about that. My own feeling is that in the Kikuyu group reserves he will probably require more stock in his farming operations than he has to-day, and to-day the Central Province is largely the consumer of meat raised in other areas. Our objective in the agricultural areas is to provide the African with the improved type of dairy stock which he can introduce into his farming operations, possibly in smaller numbers as far as the individual is concerned but probably in greater numbers in the aggregate for the reserves as a whole, stock from which

he can obtain an economic return in dairy produce. Stock of this type should contribute to his cash income by the sale of ghee and so on, and should assist in raising the nutritional level of the African by the consumption of skimmed milk to a very much higher point than it is to-day. The first-class protein and calcium which skimmed milk can contribute will make a difference to the growth of the children and a very great deal of difference as all such foods do to the general health of the community. As far as meat requirements are concerned, we regard these agricultural reserves as consuming reserves, and it will be the object of the Live Stock Marketing Board so to distribute available meat that is produced that the surplus from the producing areas will reach these centres of consumption.

The plan is to institute a system of sales in reserves by weight and grade, and to allocate supplies in the producing areas to local consumption or removal to adjacent centres of consumption or, if there is a further surplus, to a central abattoir and refrigeration plant for consumption in such European centres as Mombasa and Nairobi and such reserves as the Kikuyu or others that may be remote from the source of supply. The idea behind the provision of refrigeration is to confine the marketing of slaughter stock as far as possible to the seasons when the stock is in the best condition, and to hold supplies in the frozen state to be released during the dry periods. We are planning our future on the experience we have gained in the administration of the Live Stock Control, and twice a year that Control loses money because it is endeavouring to move debilitated emaciated cattle long distances for slaughter and, when slaughtered, large numbers of them are condemned because of measles, and the remainder consist mainly of bones and sinew. A case for seasonal culling of slaughter stock, cattle, sheep and goats, is understandable. The plan put forward includes the marketing of European stock under a similar price structure as, indeed, the European stock is marketed to-day under a similar price structure to that of native stock, and this plan has received the support of the Stock Breeders Association, which was formerly the largest marketing organization for European stock before the war, and I believe, it has the full support of the Stock Owners

[Mr. Daubney] Association of Kenya, although I have no formal resolution on my records to that effect.

As suggested by the hon. member for Kiambu, I trust that the hon. member Mr. Mathu and his colleague representing native interests, the hon. Member for the Coast, who is such a protagonist of native interests—I hope that all members who have the interests of the African at heart will help us in that educational propaganda and will try to explain to the African that there is nothing disingenuous in our plan, certainly nothing disingenuous in my mind when I put forward this plan.

MR. COOKE: On a point of explanation, had the hon. member the interests of the African at heart in 1936 when he said—

His EXCELLENCY: I hardly think that arises on a point of explanation.

MR. COOKE: I will bring it up later.

MR. DAUBNEY: —and if they will help us to inculc into the African the need to adjust their stock farming methods to the requirements of the land and at the same time to improve the nutritional level of the bulk of the population of this country.

MR. SHAMSUD-DIEN (Central Area): All the time the last speaker was speaking I was envying him and wished I was in the same happy position, which is to take one subject, say cattle and sheep, and—

MR. TROUGHTON: Would the hon. member wait until the aeroplane overhead has passed?

His EXCELLENCY: The suggestion is that you should wait until the noise from outside has ceased. Perhaps the hon. member would now continue?

MR. SHAMSUD-DIEN: As far as the Estimates are concerned, I must confess straight away that I have not studied them as studiously and carefully as I used to do some years ago because I know well enough that it does not make a difference of one iota, if you went on speaking here until the end of the week; the policy of the Government would not be altered in the least degree. That is even more evident this morning from the number of vacant benches of the Government members who do not even care to come and listen to what we have to say.

I cannot help saying that the Estimates mark the dawn of an entirely new era, and it is a welcome change after the monotony of the past 25 years during which I have been in this Council. I remember during the time of Sir Edward Northey meetings of this Council were held at Government House, and in the interval there was a table from which all sorts of drinks were served—and refreshments for those who wanted them (laughter), and quite contrary to these days when it is almost impossible to obtain even a glass of water in this hall.

I wonder if any hon. member here is aware of the mystery of that chair at the end of the hall where the policemen sit to-day? That was especially built for Sir Northrup Macmillan, together with all other furniture which is at least a quarter of a century old and the chair extremely uncomfortable. (Laughter.) The point really is this, that this is not the world that we lived in about a quarter of a century ago, and the change that has been brought about in the whole outlook of the administration and of the Government of this country must be welcomed, in spite of the fact that the Indians have their own doubts about the new policy that has been created with the introduction of the Member for Agriculture, Animal Husbandry, etc.—

—and so many other designations, I cannot remember them, and also the Member for Lands and Mines Department. I must say straight away that the personalities of both these gentlemen are simply admirable and lovable (laughter) and we have all got the great faith in them, but they have now got to stand the test and prove that they know the responsibility of giving a square deal not only to their own kith and kin but to all races and nationalities residing in this country. I have no doubt in my own mind that they will acquire themselves quite creditably on their own account. Nevertheless, I cannot help thinking and expressing here the feeling of my community that if that principle of the Government sharing its responsibilities with the representatives of the public is a correct one, then it should be logically extended to all communities residing in this Colony, and I hope that before long this principle will prove to be quite a universal principle applicable to all communities.

I am glad I am speaking to-day before

[Mr. Shamsud-Dien] the arrival of His Excellency the Governor, because I think what I have got to say to-day would probably sound like personal flattery if I tried to quote from the various papers. Only I think it would be just as well for us to put in Hansard some idea of how other people see us, and I wish to quote from a South African paper—*Liberal*—what it says about this Colony, with which I must say straight away I agree entirely. It is rather a long quotation, but I think it is just as well that it should be on record. I will not read the whole of it, but only a portion: "Far from being a major scandal, the nomination of an African as one of the two African spokesmen on the Legislative Council, has been universally welcomed and the new member found himself courted by both Europeans and Indians, each hoping to enlist his voice on behalf of their programme. The appointment of Eliud Mathu to the Kenya Legislative Council is a step in advance of any other Bantu territory. In the last session the Hon. Mr. Mathu put forward the demand which is receiving earnest attention that he may be joined on Legislative Council by other Africans of other tribes." In this respect I hope that this Council will follow the lead given by Uganda, where they appointed three African members, instead of appointing one solitary African as it is the case in this Council. To continue:

"The African representation is coming in the Municipal Councils and national advisory boards, the Administration is naturally still the chief custodian of native progress. Happily its technical services are manned by men of devotion and capacity and headed by a governor of Churchillian stature and flair, a new type of penetrating and sometimes forceful colonial leader, who promises to make the Camerons and Lugards of old look like diffident old maids." I entirely agree; that is perfectly true. The position of past Governors is perfectly correctly described; their position was merely that of a telephone girl who simply receives messages from the Colonial Office and conveys them to the people here. Instead of toying with beer-sodden chiefs and anthropological nostalgias, Sir P. E. Mitchell is planning to utilize the accumulated intelligence of the ex-Askari, to promote social welfare

activities; and conduct sociological research on an ambitious scale. He has been bold enough to take the shocking step of promoting people out of turn to high position and more, of remodelling the whole administrative machine to overcome the bottle-neck at the top and make local government a powerful reality."

As regards the question of enlisting people from all over the world, we have heard that the Government is getting experts from other countries. Again, I am somewhat uneasy because I have seen these gentlemen once in the past, the game of sea-saw in this country. At one period we had a Governor with no previous administrative experience who launched out on a scheme of work of unbridled extravagance, putting up all sorts of buildings of immense size and expense, landing the country in a very heavy debt which was followed by a period of retrenchments—most drastic retrenchments. Therefore, I do hope that these gentlemen who are being enlisted and promoted will be able, to retain their posts, because we seem to be beginning a new era when we are going to employ all sorts of experts from various parts of the world, and we have to be careful that the country is in a position to pay for these celebrities and experts.

I should like to finish this: "During his regime the old cry for 'self-government' of and for the whites has not been heard, but satisfaction has been given to the settlers by promoting their more able leaders into office though not as representatives of a recalcitrant white minority but as members of the administration."—A big compliment to the gentlemen I have just referred to—and so the issues of white versus black domination which appeared yesterday so momentous, have suddenly lost their lustre. It has become evident that while Kenyans of different skin colour were squabbling over legal titles the very basis of the economy, the land, was steadily deteriorating to produce a soil erosion problem of overwhelming magnitude. Population increases at disturbing rates of growth necessitate the opening up of new occupational outlets, such as will not only maintain but also enrich the country's man power; in a manner as agriculture would never do."

[Mr. Shamsud-Deen]

There is very little left now! "Once, of course, the road is clear towards an expansionist, economy the old colour restrictions will appear as inconvenient but trifling childhood complaints. The day of a new approach has only dawned but already the real questions of moment are being keenly debated. Individualization of land tenure or collectivisation, co-operation or private capitalism are the new problems which are fascinating men's minds. Settlement by Europeans—the old dream of "White Man's Kenya"—is vanishing as farming proves to be a meagre livelihood and Britain with her low birth rate is loth to encourage emigration, least of all to Africa. The world is rapidly becoming smaller and the one-time purely Kenya colonial conflicts are emerging into the wider currents of the revolution—of our time. For the first time all of us are sensing the possibility of a third road which abstracts from colour and leads back to the common solidarity of a united human struggle against niggardly nature."

While discussing ways and means of development we hear a lot about raising the standard of life of the African. I am not averse to it myself, but the whole problem will have to be tackled with great care because the raising of the standard has its limits. I am perturbed when I think of how the demobilized Africans who have come back from the Far East with a standard of living abnormally and unaturally raised will accommodate themselves to the routine way of life. As one hon. member said, they will probably finish all their allowances they have drawn, and then I hope that they will not go back to the towns and resort to thieving tactics.

As I said, I have not studied this budget very carefully but that brings me to the question of one department, namely the Police. The Police Department to most of us is an institution which looks after the maintenance of law and order—rather for the maintenance of peace and order—in the country. In my opinion it is much more important than that. We hear about all these admirable natives who have just emerged from conditions of savagery, and all the respect they have for the law is through the demonstration and the

eminence of the force of law in the shape of the police. I have got here an analysis of what the expenditure on the Police Department is and I think it is totally disproportionate to the actual staff they should have. It should be evident to the natives of the Colony that there are people here who maintain order. They do not go to look at the head office where there is a Commissioner, a Deputy Commissioner of Police or a private secretary and the rest of the staff; they only see the askari on the road.

With your permission, Sir, I should like to quote from this document to show the top-heaviness of the department. There is a Commissioner, Deputy Commissioner, officer in charge of stores, 35 superintendents and assistant superintendents—European—who draw £24,531. Then there come the inspectors and their assistants—Europeans—103 of them. They get £38,673. Then come 29 Asian inspectors and assistant inspectors who get £6,436; and 62 African inspectors who get £4,680. That is the expense of a department which, so far as the public is concerned—especially the native public—is of no benefit whatever. As far as constables and sergeants are concerned, there are only 239 Asian and African sergeants drawing £8,466 and 1,899 Asian and African constables drawing £46,828. As you will see, the department is top-heavy. Unfortunately in the past it has had heads of departments who were about to retire and who had really no ambition to make the department an outstanding success. The result is that in spite of what we have been saying in this Council, crime is increasing at a very alarming rate.

I should like to say here, even at the risk of displeasing some of the hon. members, that crime, in this country can be classified into three categories—that is among Europeans, Indians and natives. Among Europeans, of course, crime is of a highly civilized and sophisticated nature (laughter)—such as the murder of the late Lord Errol, the murderer of whom has never been traced. The Europeans, some of them at any rate, get away with crime without being convicted and punished lightly. Then come the Indians. I do not want to incur the unpopularity of my own community by saying that they are recipients of stolen property, but they certainly have that reputation. (Laughter.)

[Mr. Shamsud-Deen]

I would add that a new sort of crime has been introduced in the Indian community of late which I have tried to bring to the notice of the authorities, but they seem to have taken no notice of it, and that is that more than one gang of Indians is in existence who go about intimidating their own countrymen and extracting large sums of money, and they go on without being punished. As far as the native is concerned, I must say that I have never heard of a European of a native, but that is not so of my native friends. They are quite experts in the art of house-breaking and burglary, and unless they know that the police are somewhere about nothing in the world will deter them from their activities. I therefore submit that it is absolutely essential that at the earliest possible moment, now that demobilization is taking place, we should at least double the number of constables in the Police Force. That is the only way to stop crime.

I think it is hardly necessary for me to mention the fact that owing to the knowledge that the Police can do nothing, and do nothing, for the purpose of bringing criminals to justice, householders have now adopted certain very undesirable practices, such as naked and live electric wires on houses, and some of my Indian friends, I am told, have resorted to some very drastic and very brutal methods in order to get their money and stolen property out of the culprits themselves, as a result of which they have been punished. I am going to suggest that the proper way of bringing the Police Department to an efficient state is to send a number of European, Indian and native policemen to Scotland Yard so that they may know exactly what the job is. Crime is on such an increase that it is becoming quite alarming, and once the natives get the idea that there is no force, no means by which Government can enforce law and order, it will go much beyond what we can realize and much unnecessary expenditure will be incurred in inviting possible military co-operation to bring about peace after a colony-wide disturbance has taken place. I think the most economical way of handling the thing is to increase the police force to such an extent that everybody knows that the

police and the Government have means to enforce the law.

While on this subject, as I say I hope I am not offending the feeling of any African gentlemen in the Colony, but most unfortunately it is the position. They get very easily offended and say "You tell us we are burglars and house-breakers" as my Indian friends say that I tell the Council they are receivers of stolen property. I do not say they are, but they certainly have that reputation. Only a few years ago while I was prospecting for gold in the Kakamega country, I met some honest and conscientious native labourers. One evening around the fire I tried to lecture and said to them: "You are very hard-working people, but you have got the reputation of being thieves. Why not give up this habit and earn an honest livelihood?" One said "All those remarks by people are unfounded, our people are quite honest. Last year some D.C. came and camped here and some one took away all his four rubber tyres from his car and in this manner we got the reputation of being thieves". Crime, unless detected in time, will get out of hand.

That brings me to another subject, as regards the native resentment of being told the truth. I personally think that even in the very slippery game of politics lies and ingratitude are not permissible. People often accuse me of trying to flatter Europeans and Government in view of getting a title. (Laughter.) In India, for instance, the rich Europeans have kept us in slavery, there is no doubt about that, but I think it would be dishonest, after all, if we did not mention that they have also done us a lot of good through their presence in India. For instance, the town I come from, Lahore—

**HIS EXCELLENCY:** I do not want to interrupt the hon. member, but could he adhere somewhat more closely to the somewhat wide scope of the motion before the Council?

**MR. SHAMSUD-DEEN:** If you like, Sir, I will devote myself strictly to the Estimates, but I always thought that in this budget session I was a bit of an oratorical contest. (Laughter.) If you think I am taking up time, I was coming to this point, that the natives of this Colony are trying to show a tendency

[Mr. Shamsud-Deen]  
to break away from the Administration, and even from the missionary societies which have done them such a lot of good, and I am leading up to this by saying that in India itself, although the British have treated us like the proverbial domestic dog, they have done us some good and when it suited their convenience. Similarly with the natives here. I think the natives of Kenya Colony have made wonderful progress, faster than any human nation has made in such a short time. Within a short period of 30 years they have a representative sitting in the honourable Council, with a very creditable record of speeches and service, but they must not forget that it was only about 25 years ago when I saw them with my own eyes they were absolutely stark naked, without any education at all, and to-day, they are grateful not only to the Europeans but to the Indians as well who were responsible for laying these railway lines from Mombasa and for introducing trade activities which are now being gradually picked up by Africans. The railway authorities tried to build the railway with African labour, but only succeeded up to six or seven miles from Mombasa, and failed. Then there were the Indian traders who supplied the natives with goods. I know that a large number of petitions have now been submitted to the Government asking them to stop the Indian traders from trading in the reserves, but who thought the natives trading, or artisan work. Ingratitude must have its limits and should not go beyond certain points. I personally think that the Indians have not got a very grand future before them, and should be prepared to leave this Colony, for the day is coming when by the pressure from the top by the Europeans and from the bottom by the Africans, they will be driven from the country. That is being done by the Government themselves nowadays by introducing immigration regulations and other trade restrictions. But I do not think that all of us must be in such a desperate hurry.

If Your Excellency thinks I am going away from the subject, I cannot help thinking that. This little hymn which I heard only the other day, on Remembrance Day, always comes to my mind: "A thousand ages in Thy sight are like

an evening gone." According to that calculation we have only been here a minute or two (laughter), and we must not be in a hurry in saying this is a white man's country or anybody's country at all. Archaeological records in about 100 years' time might show that there was a town like Nairobi, where there was a Government House, and there will be no more stones left other than are similar to the Hindu ruins, and no one will know in a hundred years what the town looked like. We are all members of a family, and should live as such. Please give up the idea that this is a white man's country and so on. We should live as a family.

Regarding the Police Department, I would also say that there is something radically wrong with the Judicial Department—I hope I am not run for contempt of court. But the real reason for that is that owing to some racial policy of this Colony there is not a single Indian magistrate in the whole Colony, and it is a matter of surprise to me how European magistrates can, in most cases at any rate, get to the bottom of the truth when trying an Indian case. An Indian can very easily deceive and fool a European magistrate if he resorts to certain tactics as was recently done. He goes to court, and has only got to say "I have been assaulted and the assailants have stolen so much money from my pockets", and the European magistrate takes such a serious view of it that I am going to refer to one particular case (Crown versus Gulam Khalid and three others) in which I became interested, because I knew there was a miscarriage of justice. The complainant cooked up the story that certain Indians had stolen some money out of his pocket and had also assaulted him, and the four accused were sentenced to two years imprisonment and 16 or 20 lashes for the crime. I helped them to appeal to the Supreme Court and the appeal was dismissed but the sentence to the lashes was dropped. I was not satisfied, and went to the Court of Appeal, which gave the decision that the men should never have been charged with the offence of robbery. It is obvious that as a result of such severe sentences it has become the fashion by venomous individuals to make such charges, and the court un-

[Mr. Shamsud-Deen]  
fortunately takes such a serious view that a person has got to go to a great deal of expense to get himself acquitted. On the other hand, there are clear and serious and bona fide cases, but I do not know what has gone wrong with the judiciary that such criminals are let off with very light sentences. There was a case the other day in court where ten miles of khaki were said to have been stolen from military stores and given to some Indian, and though it could not have been the first case of its kind the accused was fined only £150, whereas other people get two years and 16 lashes for what was really an ordinary quarrel.

I hope I am not being impertinent in sending a book to the hon. and learned Attorney General on the subject of lashes, "The Whip and the Rod", and I hope he will find it interesting. In all civilized countries the whip has been abandoned, but unfortunately in this country I think that recently the courts have started resorting to the remedy of ordering whippings, which should be a very barbarous system and should be abandoned. It is never used in the case of Europeans. I hope I am not making any racial comparisons, but it is frequently nowadays administered to Indians and Africans. That book clearly shows the danger of such a method of punishment, with results of sadism and so on. "An old time in England there were societies where people used to whip each other as a cure for certain diseases, but that has ceased, and it is time we abandoned this altogether."

While on that subject, as regards prisons, that is another department which is not sponsored or advocated by any member of this Council. I make a practice of going to prison once a month (laughter). That makes hon. members laugh, but I also go to the lunatic asylum once a month as a visitor! But the condition of our prisons is a hopeless one. It is a primitive, obsolete sort of building, and conditions in spite of the staff are simply terrible. The prison staff are very good people and they do all in their power to look after everybody, but the building is so hopelessly old and inadequate that the population is much more than was originally intended to be the actual capacity of the prison. Of course, the net result is that it is not in a sanitary

condition. I do not think we should resort to the system of sending people to prison not only for their ordinary punishment but also to be subjected to feeding the vermin as during the Czarism was the case in Russian prisons. Prisoners while undergoing punishment must be confined in a sanitary and decent manner.

The second thing I was coming to was the Education Department. The hon. mover gave us a shock when he said that the expenditure on education was increasing to such an extent that he would have to think of either introducing an education tax or reducing the vote drastically. That is very alarming indeed. We have tried an education tax before, but we know how hopeless it was, and therefore I submit that instead of decreasing the expenditure I should really associate myself with the opinion that the Indians and the Europeans concerned should pay more. In my opinion, the Indian community is bearing the cost of the education of their children to an extent that is not realized by this Council. There are only two ways of doing it. It is the duty of every civilized government to educate the children of its subjects, and we should either make a clean breast of it and make a declaration that the Government in Kenya Colony is unable to do so, and there would be no further trouble, and everybody would educate his own children, or otherwise the Government must be responsible for educating the children of all its subjects. If you really want each community to supply funds for the education of their children, the proper way is to have different committees. The Revenue Department can find out what revenue the Indian community contributes—let there be an Indian revenue member who will keep an account of the revenues contributed by the Indian community including contributions to the Railway Administration. That, I submit, is the solution.

As far as expenditure is concerned, here is the report of the Education Department for 1944, in the form of a pamphlet for 1944, which was concyctostyled circular, which was considered to be sufficient. I have been trying to get from the Director of Education the actual cost per capita of Indian children, and it appears the total cost of Indian education in 1946 is estimated to be £110,283; European, £159,030;





[Mr. Shamsud-Deen] munity. Mr. S. T. Thakore has ploughed a lonely furrow for many years on that control. He is about to go to India and there is the question of somebody to take his place. I submit that the idea of having one solitary member on any board or any committee is simply impracticable. This board has to go to various places and it is simply absurd to have only one man representing a community on it. This brings me to the question of a very undesirable method recently adopted by Government in nominating members. The proper channel through which they ought to seek advice for the nomination of members is the Elected Members Organization. Five Indian elected members have been officially and through the proper legal machinery elected to represent different parts of the Colony, and they should know something about what their constituents want. At the present juncture quite a few important appointments have been made by the Government after having found out particulars of them from most irresponsible people—people who have no standing anywhere in public life and who have no importance whatsoever, and who are looked upon with suspicion by the whole community. I submit that that is a very objectionable procedure and it must be corrected.

As regards applications for transport licences, these are as a rule dealt with by the District Commissioners and the Board has nothing to say. The Board simply concurs with what they say. My information is that on this Board, because of the preponderance of European members and the complete absence of African members and the presence of one solitary Indian member, all applications in respect of Indian and African licences are treated in a very unsympathetic manner, to say the least of it. I do hope that while you are reconstituting this Board the Government will appoint at least two Indian members to it, after consulting the Indian Elected Members Organization.

The other control is the Building Control. This, again, is holding up progress and is helping the dishonest and criminal landowner to obtain all sorts of things. I think I can definitely state, on the authority of all who know, that 90 per

cent of the building material is available in the Colony. This control was created for the purpose of supplying material to the millitary primarily. There is no longer any justification for that; stone, lime, timber and all that sort of material are available locally. If you did without that control you would find no necessity to retain the Rent Control Board. I must say again that, especially in Nairobi, they are acting in a very faulty manner indeed. Nobody can check their activities. When there is some particular house in dispute, instead of giving notice to both sides representing a case, they go like thieves and slip into a case, and look at this thing and that thing and get information from all sorts of unauthorized people, and they go back with a totally wrong idea of the valuation of the property. I submit that if you do away with building control there will be no necessity for rent control; it will disappear by itself. All these controls have been very obnoxious and we have kept quiet during the war, but the time has now come for grievances to be ventilated.

I must say again that I remember a time when every two minutes there was a shout from the chair: "Order! order!" This time Your Excellency is so kind as to allow us to talk on all sorts of things, probably not all strictly relevant. I have a lot of other things to say, if Your Excellency will kindly allow me to continue when Council next resumes. Otherwise I shall take at least three quarters of an hour or more and I think there is very little time left.

**HIS EXCELLENCY:** There is still another seven minutes before one o'clock and perhaps if the hon. member would confine himself a little more strictly to the motion before the Council, he might be able to cover perhaps half the ground remaining before one o'clock. (Laughter.)

**MR. SHAMSUD DEEN:** Well, as I say, these discussions and speeches in this Council do not cut any ice, but I want to refer to the Medical Department. That is one department regarding which the Indian community has suffered very severely indeed for many, many years, and I must express my gratitude to the present holder of the post of Director of Medical Services who has actually caused some additional accommodation for the Indian community to be put up.

[Mr. Shamsud-Deen] I have been there myself. I said I went to prison and to the lunatic asylum once a month. I also go to hospital. But I must submit that there is yet a lot to be done in regard to medical services as regards additional nursing staff and other things. Only a few months ago you could not walk into the Indian ward: it was stinking and there was a most obnoxious smell coming from it. However, an endeavour has been made to change it for the better, but there is still a lot to be done, especially as the Medical Department, I think, has received, not an ordinary donation, but a sum of £60,000 from the trust fund of an Indian estate. I think it is about time that they showed that this sum was appreciated, and the best appreciation would be by putting up some sort of special hospital for the convenience of the Indian community.

I personally am very greatly in favour and have tried, without success, to persuade the Medical Department to encourage the Social Service League, who have got a dispensary in the middle of the town, to increase their accommodation and keep the proposed civil hospital for the less serious cases, because one great drawback to the present Government native and Indian civil hospital is that the dead bodies of Indians have to be carried on the shoulders of the people, unlike the Europeans who have their funerals carried in hearses, and the distance from the Government hospital to the place of cremation or five miles. Therefore it must be somewhere near the town, and I strongly submit for the consideration of Government that out of this £60,000 the Medical Department have got from the estate of an Indian a substantial sum should be set aside for an expansion of the buildings of the Social Service League, who have premises in the middle of the town.

There is one other thing about the tenure of land in Nairobi . . .

**HIS EXCELLENCY:** If the hon. member is going on to a fresh subject it might be a suitable opportunity to adjourn.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Monday, 26th November, 1945.

Monday, 26th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Monday, 26th November, 1945. His Excellency the Governor (Sir P. 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: W. G. Emerson, Esq., Acting Director of Veterinary Services.

#### COMMUNICATION FROM THE CHAIR

**VISIT OF GOVERNOR TO LONDON**  
His Excellency made the following Communication from the Chair:

Honourable members will expect from me some statement about the matters which I have been discussing in London.

To deal first with our domestic affairs. I have had full and detailed discussions in London on the general agrarian policy which this Government has been working out and must now put into practice. I am much indebted to my honourable friend the Member for Agriculture, and his staff for the valuable work which they have done on this important matter, which enabled me to discuss it in all its aspects in London. I believe there is a general understanding in the Colony to-day that we are faced with extremely difficult problems in connexion with the primary industry of the Colony, that is, agriculture in all its aspects, including the protection of the soil from further deterioration, rehabilitation measures for over-crowding and over-stocking in many of the native areas, the completion of the settlement of the Highlands, and many matters directly or indirectly connected with the broad general question of land. As a result of the discussions which have taken place a general statement of policy has been prepared and will be issued shortly, and I do not propose now to endeavour to deal with any of its details, but I think I should say this: It is my judgment necessary that a statement of policy of this kind should be made; nevertheless, I and my advisers recognize to the full that in many respects the statement must be regarded as a first attempt to formulate a general policy rather than as a final statement of it.

[H.E. the Governor]

It is doubtful whether in what are, after all, still virtually pioneering conditions in a Colonial territory, it is ever possible to do more than to state from time to time in general terms what the Government proposes to attempt at the next phase; but be that as it may, I hope honourable members and the public at large will take this particular statement of policy in that way, for I do not feel that we are at this stage in a position to do more than that. But I feel strongly that that at least we must do.

Part of our general policy is the completion of the settlement of the Highlands, which derives particular urgency from the fact of demobilization. Large numbers of applications from members of the Services continue to be received, and for that reason alone it is necessary to be able to give definite answers to inquiries. I am now able to state that the Secretary of State has given his approval to the plans which have already been published. (Applause.) I think I should perhaps add here, in order to keep the matter in its true proportions, that the plans for increased agricultural settlement in the Highlands, as proposed by the Settlement Committee, provide at this stage for a relatively small number of new farmers—perhaps 500 all told—for that is probably the maximum number which could be satisfactorily trained and placed on the land on a sound economic basis in the first instance. As I have already pointed out on previous occasions, the ultimate prosperity of these settlers, in common with the whole agricultural community of all races, and indeed of the Colony itself, must depend on the maintenance of prices for primary products at some reasonable level. I should add that, unless by the investing public in the Colony show their confidence by subscribing freely to the loans which will be required to provide the necessary finance, the scheme cannot be carried out on the full scale envisaged by the Settlement Board. It has been made perfectly clear to me in London that we cannot go to the London market for the money in present circumstances. It is equally clear that we cannot find the necessary capital from revenue. Moreover, we shall have to finance settlement at interest rates which it can bear and which the new settlers can pay. That means that it will not be possible for the

Government to pay more than the current market rates of interest on gilt-edged securities. If the loans required are not forthcoming on these terms, then the Government will not be able to provide all the finance necessary for the new scheme, and to that extent new settlement would have to be carried out privately without Government assistance.

As announced by the Financial Secretary introducing the budget, I have at last managed to secure the services of an Economic and Commercial Adviser, Mr. Hope-Jones, who, after a distinguished academic career, in the course of which he obtained high qualifications in economics, has occupied an important post with the Anglo-Iranian Oil Company. I discussed the many important problems awaiting Mr. Hope-Jones here with him in some detail, and I believe that the country is to be congratulated on securing his services. I propose that in the first instance he should be attached to the Finance Member, and that the precise nature and scope of the duties to be required of him should be settled by consultations after his arrival. I have always thought of the post as being, if I may put it so, a sort of introduction to the development of a properly qualified branch of the Administration to deal with commerce and industry; but since so much that vitally concerns commerce and industry and economic questions generally is inter-territorial in its nature, I think that at this juncture we must feel our way and not be in too much of a hurry to produce a tidy bureaucratic plan for what we have to do. I should add that our inter-territorial economic interests and activities centring on the Governors Conference must obviously be connected in an appropriate way with our own Kenya arrangements, and that is another reason for somewhat of an experimental treatment of our organization in the first instance.

We have not yet completed negotiations with the gentlemen whom we have in mind for the post of Consulting Engineer to the Development and Reconstruction Authority, and that matter is still undecided.

I think I ought also to say this to this Council, that I was assured on all sides in London that first-class men were extremely difficult to get, and unobtainable unless substantial salaries were offered. Indeed, one gentleman holding

[H.E. the Governor]

an important position in the City said to me bluntly that if I thought that in present circumstances in the United Kingdom I was going to be able to recruit first-class experienced staff on the sort of salary that we have been paying hitherto in East Africa, I was totally out of touch with the realities of to-day.

As regards the shortage of departmental staff of various kinds, honourable members should know that the Colonial Office recruiting campaign is now well under way, and that a satisfactory number of young men are seeking appointments. So far so good; on the other hand the collapse of Japan has made it imperative to meet the requirements of Malaya and Hong Kong for a new staff. I do not think any of us, having in mind the news from the Far East, which we have read in the last few weeks, would have read in the last few days of giving the question the priority to the needs of the highest possible priority to the needs of those territories, whose loyal enthusiastic welcome to us on our return thereto has been so striking and so gratifying an experience. But that means, unfortunately, that we are going to have to go short for considerably longer than we had at one time hoped, especially in most classes of professional appointments. We are all anxious to get on with the many urgent things that we have to do, and I suppose that I can claim to be as impatient as anyone—(A member: Hear, hear, and laughter)—and it is disappointing and indeed galling that we simply cannot get the men to do it; but I am sure honourable members will recognize that we are up against obstacles which it is beyond our power to surmount. We shall continue to do our utmost to recruit staff wherever we can find it, and good staff wherever we can find it, doing the Colonial Office for its part is doing the best it can for us, as for everyone else in the Colonial Empire, and that, I am afraid, is all that can be said now.

I think I might add one personal note. Just before I left England I was told that a gentleman who had been approached with an offer of an East African appointment was found to be very reluctant to accept it, but agreed to go and discuss it with Mr. Norton, recently appointed East African Commissioner for London; he returned to the Colonial Office a little later enthusiastically inquiring when the next ship would sail. (Hear, hear.)

Now to certain East African questions. Since it became known that I, as chairman, and the Chief Secretary of the Governors Conference were going to London for discussions with the Secretary of State there has been, I am aware, much speculation and considerable Press comment about the objects of our visit. I think I had better say at once, therefore, that the objects did not include—did not include—discussion of any scheme for political amalgamation or unification of the three East African mainland territories. "Closer Union," as a political amalgamation has commonly been called, is not considered to be practical politics to-day.

What we have been discussing is the management of the extensive inter-territorial business which is at present attached either to the Governors Conference or to the High Commission for Transport for Kenya and Uganda, or like the Post Office, and the Kenya/Uganda Customs Department; is dependent directly on all three, or two, of these Governments. I think it worth while to record very briefly that we have in common the Currency, Post Office and Telegraph Services, Air Service, Income Tax Department, Customs Tariff, and Research institutions (actual or projected), as well as a wide range of economic and manpower organizations connected with the war; we have also, as between Kenya and Uganda, the High Commission for Transport (which necessarily involves an arrangement with the Tanganyika Railways), and a joint Customs Department. Our defence commitments are organized on an inter-territorial basis, including an important part of demobilization. We have been able to bring discussion of these matters to a point at which the Secretary of State and the Governors have reached general agreement, and it is issued in the very near future by His Majesty's Government in the United Kingdom in which proposals will be published as a basis of discussion (I should like to underline that—as a basis of discussion) for dealing with these matters. There will be simultaneous publication in London and East Africa, and in the circumstances I can say no more now.

Sir Charles Lockhart and I have had discussions on the difficult question of

(HE the Governor)

the immigration regulations. It is the common desire of the three Governments to remove the temporary war-time Defence Regulations, and as soon as the pressure of demobilization permits, that will be done, probably about the middle of next year. Before that date we hope to have ready for consideration proposals to meet our requirements in peacetime, which will not be based on the special emergency conditions brought about by the war. I need scarcely add that these proposals will be published in good time so as to allow every opportunity for examination and comment by everyone who is interested.

We also took many opportunities when in London to discuss other matters of importance to East Africa, or to Kenya, and I hope we were able to advance our interest in a variety of ways. I have, in particular, done my best to get something done to alleviate the grievous lack of passenger transport between East Africa and the United Kingdom which, for us, all so very serious a matter at the present time. At least the facts are now fully known at the highest level, and I was given to understand that substantial improvement may be expected early in the New Year. I may interject that I spent some time myself at the Ministry of War Transport going fully into details of the matter, and I believe there is every ground for hoping that there will be a substantial improvement. We found, as always, a great good will and desire to help from Ministers and departmental officials alike, and it will not be for lack of these that our business will suffer. But we were able also to realize, as perhaps it is not always easy to realise at a distance, the immensity of the problems and the severity of the pressure of business with which Ministers and their staffs have to struggle in these critical and difficult days. We too have our problems and the pressure of our difficulties, but I know that we shall in spite of them be able to bring much sympathy and understanding of the situation in the United Kingdom into our thoughts and attitude on all these matters. We must not procrastinate in that which it is in our power to do for ourselves, but neither ought we to be impatient if our business does not always go ahead in London as rapidly as we could wish, for the truth is that the cares

of a world in chaos are upon their shoulders.

### MINUTES

The minutes of the meeting of 16th November, 1945, were confirmed.

### PAPERS LAID

The following papers were laid on the table:—

By Mr. TROUGHTON:

Report of Director of Colonial Audit on the Accounts of Kenya for the year ended 31st December, 1945.

By THE GENERAL MANAGER, K.U.R.H. (SIR R. E. ROBINS):

Second Supplementary Estimates, 1944; First Supplementary Estimates, 1945; Estimates of Revenue and Expenditure, 1946, K.U.R.H.

### ORAL ANSWERS TO QUESTIONS

No. 127—REQUISITIONED HOUSES

MR. TRENCH:

Will Government urgently represent to the military authorities that a very early release of the privately owned dwellinghouses in the Muthaiga area and elsewhere occupied by various senior military officers and their staff is now essential on the following grounds:—

- (a) the shortage of accommodation available for the civilian European population;
- (b) that there should be ample temporary buildings which could be made suitable for dwellings and offices for senior and junior officers and men;
- (c) if there are difficulties in regard to (b) the material available in empty temporary structures throughout the country should be utilized to reconstruct suitable temporary accommodation;
- (d) the continued occupation of permanent large-size privately owned dwellinghouses is now an unnecessary charge against the British taxpayer and a handicap to civil reorganization in Kenya;
- (e) that base personnel might now conveniently and economically be concentrated on a site outside the township.

Mr. TROUGHTON: The matter has been the subject of correspondence with the military authorities, who are fully alive to the importance of surrendering requisitioned premises and property, and of terminating hire agreements, as soon as possible. Several branches of East Africa Command Headquarters are situated in the town of Nairobi itself. The premises so occupied will be surrendered first and the headquarters concentrated in the Muthaiga area. Ultimately it will be moved to the area decided upon for the post-war headquarters.

No. 131—AFRICAN FAMINE RELIEF

MR. COOKE:

Will Government please state the amount expended in African famine relief for each of the years 1935 to the end of October, 1945?

Mr. TROUGHTON: The following figures represent the net amount expended in African famine relief for each of the years 1935 to the end of August, 1945. They do not include expenditure by Local Native Councils. Later figures are not available.

Year.	Net Expenditure.
	£
1935	47
1936	24
1937	21
1938	88
1939	743
1940	(538)*
1941	
1942	18,640
1943	139,024
1944	36,096
1945 (Jan.-Aug.)	36,096

\*Credit in respect of revenue derived from sale of famine foodstuffs in that year.

No. 132—RELAPSING FEVER OUTBREAK

MR. RANA:

Will Government please state if they are aware of a very acute form of relapsing fever which is ravaging at the moment in the Kwale district of the Coast Province and dozens of poor natives are dying daily without any medical assistance? If the reply is in the affirmative, will Government please state what steps have been taken in the way of medical relief and if they consider these measures are adequate?

If the answer to this question is in the negative, what further steps are about to be taken in the immediate future?

ACTING DIRECTOR OF MEDICAL SERVICES (Dr. Lockhart): The Government is aware that an epidemic of an acute form of relapsing fever has broken out in the Coast Province. Several hundred cases have occurred with a considerable number of deaths in untreated cases. A team of workers has been drafted into the affected area and active measures are being taken to deal with the situation. Very considerable assistance is being received from the military authorities.

MR. PATEL: Arising out of that answer, had any steps been taken before the hon. member tabled the question?

Dr. LOCKHART: Yes. Measures were already in operation, and steps had been taken to extend their activities before the question was asked.

SCHEDULE OF ADDITIONAL PROVISION: No. 3 of 1945

MR. TROUGHTON: Your Excellency, I beg to move that Schedule of Additional Provision No. 3 of 1945 be referred to Standing Finance Committee.

MR. FOSTER SUTTON seconded.

The question was put and carried.

DRAFT ESTIMATES: KENYA AND D.A.R.A.

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. SHAMSUD DEEN: Your Excellency, when I spoke on the last occasion I stated that I was very nearly at the end of what I had to say, with the exception of one or two minor points.

One of the questions that has been worrying the Indian community very much indeed is the immigration policy of this Colony. Many years ago, some time in 1922, a combined attempt was made by unofficial Europeans and the Government to stop the immigration of Indians to this Colony but, owing to the very strenuous efforts on the part of not only Indians here, but fair-minded Britishers in England and in India, that effort was, I might say, frustrated for the time being. Again, under the pretext of the Defence Regulations, about a couple of years ago the same attempt was made.

[Mr. Shamsud-Deen] and everybody who understood local topics and movements at once saw that the second attempt to restrict immigration had been made in the name of the Defence Regulations. Now the war is over those regulations are still being perpetuated, and I must say that those suspicions have not yet been allayed. On the other hand there are very good reasons for believing that the evil day will come before long when these Immigration Regulations will be put on the Statute Book of the Colony. I hope that I am wrong in my estimation of this event, but we all see that day by day this Colony is drifting towards the influence of South Africa. One thing I may say here and now is that the Indian community will exert all its efforts to prevent the movement towards the influence of South Africa by all possible means at their disposal. When these regulations were first introduced, it was said that they were intended to prevent unemployment by an influx of people from India who would aggravate the position and create over-population here. The second reason put forward was that housing accommodation was extremely short. The third reason was that the food question was also very difficult. Subsequently, it developed into the question of admitting only people domiciled here who were residents of this country.

I hope the hon. Attorney General will correct me when I say that during more than one interview I had with him he said that, according to the English law as it is understood to-day, there was no definition of what domicile was or of what residence was. I succeeded in borrowing from the Commissioner of Income Tax one of the latest books on the subject, which is an authoritative work quoting the case law of England and Privy Council what domicile is and quite clearly states what does, and it quite clearly states what does it and what residence is. I took the liberty of lending that book to the hon. Attorney General, and I hope he has had time to look at it. We are not going to allow in this country, as far as is in our power, the same conditions as are introduced and are prevalent in South Africa. I think I can say without fear of contradiction, that the Defence Regulations are being operated in a manner that constitutes abuse of the power conferred by them and is entirely wrong. They are

being operated by an officer who is deliberately and openly unsympathetic to the Indian community. He wants to stop any Indian coming to this Colony, exactly on the same ground as our brothers are in South Africa. He has an assistant, the Deputy Director of Man Power (Indian), the hon. gentleman sitting on my right (Mr. Thakore). I have in my possession here 20 cases which were thoroughly investigated by him and in regard to which he recommended that entry permit be granted. The Director of Man Power refused them all on frivolous and absolutely nonsensical grounds, I might say.

Now that the war is at an end, I hope that these regulations will be entrusted to the care of some other person. As a matter of fact, on principle they ought to be administered by an Indian who knows Indian conditions. If that privilege is not allowed to an Indian, then it must be administered by some European who is at least sympathetic to the Indians and who is not keen on introducing South African conditions here. I have been to South Africa twice and I know the conditions prevailing there, and I always pray to God Almighty that I shall never visit that country for a third time. The conditions prevalent there are simply awful as far as the Indian community is concerned. People cannot have their own sons born in India brought to that country. I need not go into details, but I can say that things are drifting in that direction here. I make it quite clear here that the Indian community will resist by all possible and constitutional means the movement towards the imposition of such conditions here.

There are just one or two small points arising out of the Estimates to which I should like to refer. I said that I had not bothered myself with studying the Estimates very minutely because our opposition on detail does not make any difference at all, but there are just one or two items which might appear to be matters of detail. One hon. member mentioned that Major Holland Martin was not coming back. I was shocked to see from these Draft Estimates that an able person like him—in the short contact I had with Major Holland Martin he struck me as a man of exceptional ability and fairness—should receive a salary of only £480. Then there

[Mr. Shamsud-Deen] is another case in the Veterinary Department of an Indian veterinary officer at Mombasa. I have known him personally; he has been in this country for the last 40 years and his salary, after 40 years, does not exceed £500. I know that some municipal officers in Mombasa are agitating against their pay, which amounts to no less than £1,000, and they have not been in the service for more than a few years. Those are small items that I hope will receive careful consideration by the Standing Finance Committee.

There is only one thing more I want to say. As regards the Police administration, every time we mention the question of crime we are presented with very fine statistics to show that crime is on the decrease, but everybody in this town of Nairobi and in Mombasa knows that crime is alarmingly increasing. I only want to add one thing, and that is the native, the African. I mean—I am told that the expression "native" is objected to by the Africans (Mr. MATIU: "Very much!")—the Africans have to my mind for quite a long time proved themselves to be admirable policemen; they have proved not on one occasion but on hundreds of occasions that they are not open to any kind of corruption. Whenever they have been offered bribes by the people they have gone straight to the authority to report it. The second thing is that most of these people are employed as directors of traffic of police to see a reasonable number of police constables on the street to give the criminals the idea that they are being watched and cannot have things all their own way.

I think that is all I have to say.

ARCHDEACON BEECHER: Your Excellency, I rise to support the motion before the Council, and I should like to preface what I have to say by reiterating what my hon. colleague said when he made his speech recently. He pointed out how singularly difficult it was for the two of us adequately to represent African interests in so important a matter as this, and I should like to appeal for very early consideration in the future of African representation in this Council. I would submit that the least that would be reasonable to ask for at this stage is the implementation of something of the order of the pro-

posals that were made to long ago by the Hilton Young's Commission in its report. Not only at the time of its budget, but also at other times it is manifestly impossible for two to represent adequately the point of view and the needs of so large a community. It will be appreciated, therefore, that I shall have quite a large field to cover, and I may take up more than would seem to be an adequate proportion of the time of this Council; but at the same time I would urge that this budget, affecting as it does, the African community at so very many points, could justify that I should speak at some length. There may also be some overlapping between what I have to say and what my hon. colleague had to say in his budget speech, but perhaps out of the mouth of two witnesses there may be some conviction engendered in the minds of hon. members of this Council.

Before going any further I should like to make a remark about African affairs in general. It was a matter of very considerable regret to me that the hon. member for Kiambu in the course of her speech did not, as it were, put her cards on the table about African affairs. She left a Damoclean sword hanging above our necks in the shape of a motion on African policy. Notice of motion has now been given, and having read it, I fall to feel that the sword has been removed even by a fraction of an inch from our necks. It is in no way enlightens us as to what she proposes to say or how she proposes to say it. As one of her constituents, I had some small hope that perhaps she might have consulted me beforehand, and as one of her colleagues on this Council, concerned to some small degree perhaps with African affairs, I had also hoped with I might have been consulted. If, say I colleague and I, without consulting with any other member of this Council, between ourselves were to introduce a twin ourselves were to introduce a similar motion on European policy, doubtless the hon. Member for Kiambu would have a very considerable amount to say in criticism of it. I regret, therefore, that she did not tell us what her feelings were about African affairs, even to the extent that they arise out of the budget itself. But there it is; we shall have to wait until the sword falls and see whose neck it falls on!



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out of touch with their people by reason of the fact that they have to spend so much time in their offices instead of being out on safari among them. (Hear, hear.) The district commissioners are called upon to hear during the course of a year as first-class magistrates an interminable number, in some districts amounting to several thousands a year, an interminable number of cases which should be dealt with not by the district commissioners at all but by a law officer, a judicial officer, specially appointed for that purpose. (Hear, hear.) In addition, district officers are called upon to be jacks of all trades and masters of none. They are expected to have a fairly considerable knowledge of agriculture and a number of other specialist tasks which may or may not interest them, and are just overburdened by a whole mass of detail of that kind—to that they are unable to do the task they are appointed to perform.

I understand, in reply to a question of mine, that the hon. Acting Financial Secretary was suggesting that a still further burden should be imposed on these unfortunate district officers. As you, sir, are aware, there has been a very considerable expansion of African trade in the past few months. I wish to make further reference to it later in my speech, but when the hon. member suggested that district officers, in addition to their many present tasks, should also act as trade advisers to the African community in their area, I could scarcely believe my ears. I would suggest that we have reached the stage when the Administration can very well be described as sitting on a time bomb that is ticking ominously and loud, and whatever goes I believe we must at the present time take every step to ensure a very considerable strengthening of the Administrative staff, both by means of more rapid recruitment than has been possible in the war years and also by the further use of African administrative officers. Very considerable success has, I understand, attended the introduction of Arab administrative assistants, and I hope that it will be possible in a very short space of time to strengthen the Administration very considerably by the introduction of a number of African administrative assistants. But whatever else takes place I believe the adminis-

tration at the present time must be very considerably strengthened, otherwise we may be faced with all sorts of insuperable difficulties in the immediate future. Now I have perhaps suggested something unwelcome, namely, a considerable increase in the vote under Head 3, Administration!

That brings me to the question of the general taxable capacity of this country. I should like briefly to welcome the proposal made by the hon. Acting Financial Secretary in introducing the budget of a fiscal survey in the almost immediate future. It is unlikely that the survey will produce any very rosy promise of a considerable increase in taxation in this country, and I feel we shall have to look in other directions. I very strongly support the hon. Member for the Coast in his plea for a lowering of economic standards to something nearer the realities that are existent at the present time. But even if that is done, even if the taxable capacity of the African were increased—and there are ways in which that may be done, for example by an increase of coffee and pyrethrum production by African peasant farmers—even if that were done, I submit we have reached the stage when we can ill afford the cost of our civil list from the current revenue of this country. The time has come when we shall have to examine that very carefully. You yourself, sir, this morning have suggested that if we wish to recruit the type of people we require for the setting of our house in order, and the development of our domestic establishment when we have set our house in order, such men will require salaries which are very considerably in excess of those paid at the present time. If that is the case, then we shall be budgeting for a very considerable deficit. I am no authority on this, I have no knowledge of the subject, and I simply ask this as a question: This is a Colony within the Commonwealth of Nations, the British Empire. We are very much aware of our indebtedness to the Home Government for the very considerable assistance that they are offering through the Colonial Development and Welfare Fund. But at the same time I do feel that we cannot claim to be a rich Colony, nor, indeed, with our present commitment can we claim to be a Colony capable of entirely self-supporting our various needs. And

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I ask whether it is possible that part at least, of our civil list, particularly as it concerns the senior officers of Government in this country, could not and should not be borne from home. Certainly we ourselves would appear to be unable to continue to support that civil list.

Having said that, I should like to come back to other questions that arise out of the budget.

I must insist that I feel that this question of the development of the land cannot be settled adequately without very careful consideration of an allied question which is all too often neglected, and that is the question of labour and the future of labour. In the course of his speech the hon. Member for Nairobi South said that we were paying a low cash price for what is probably the most expensive labour in the world. I suggest that the land of this country will remain in jeopardy until the whole of the labour question has been adequately dealt with in all its aspects. At the present time, for the most part, the African is paid low wages, he is provided with inadequate housing, if he gets housing at all, and his dependents are for the most part left behind in the African 400 units, where they scratch the soil as hard as possible in order to make up the family budget and in order that the African in employment may retain certain rights over a piece of land in an already overcrowded land unit, so that his ultimate social security may be secured to him. Nowhere in this budget, nor indeed in many of the publications of the Government, do I find any reference to social security as a principle, let alone to the financial commitments that it will bring upon us if we begin to consider it. Yet I must repeat that the land of this country will remain in jeopardy until such time as that is done.

The African wages which it is proposed to pay in this budget are unsatisfactory, and it is a matter for very considerable regret that the Local Native Councils and the Government of this country set to the remainder of the employing population of this country such a bad example in the matter of the employment of Africans. I think that, although my figures may be subject to correction by a matter of a few shillings,

it has now been established by those who have gone into the question, that if an African in employment wishes to secure for himself and for his family a reasonable standard of living, he must be in receipt of a total cash income, or its equivalent, of at least Sh. 50 a month outside the towns and something much nearer Sh. 100 if he is employed inside the towns. They are not paid such wages at the present time. They receive wages very considerably less than that and, as I have said, dependents remain behind scratching the soil in order to make up what the employer should be paying to his African employees. If, on the other hand, an African is only worth Sh. 6, Sh. 8, Sh. 10 or Sh. 20 a month for the work which it actually does by him, that person ought not to be in employment at all; he ought to be placed elsewhere. So much do I feel that the land of this country will remain in jeopardy until something is done about this that I feel that I must share the apprehension of several other hon. members on the side of Council when speaking about famine relief.

Under Head 3a of the Estimates, Item 1, £80,000 is provided for that purpose and unless we have a clearly formulated policy which includes the improvement of labour conditions, not only will parts of the Kamba reserve remain idle on the dole but other reserves of this country will go on to the dole, and the situation, so far from being ameliorated, will deteriorate rapidly. I must admit, however, that Government has been to see the danger signs, and I understand that departmental instructions have been issued which state that an improvement should be made by all heads of departments with labour employed in Mombasa and that their wages should be increased. I would suggest that the figures to which they were increased are not high enough, but I do consider this first sign on the part of Government that they recognize that all is not well in this particular direction. But it is not only just a question of the But it is not only just a question of the immediate available cash for the month to month needs of the African, something has got to be done to provide much more adequate pension system which will provide him with social security in his old age and make him independent of those ancillary means of support in his old age on which he is entirely dependent at the present time.

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Head 28, item 4, provides some small contribution towards African pensions. From time to time in this Council I have called attention to the fact that existing pension schemes for employees of Government are wholly unsatisfactory and not acceptable to those employees, and I have also called attention to the fact that there is no provision for a pension fund for Local Government employees. And I feel it is necessary to ask once again for a review of that situation in order to provide a pension scheme for all employees of the local and central Government on a satisfactory basis which will, if necessary (and I believe it to be necessary), make those people independent of the small livelihood they can scratch for themselves out of an already overpopulated reserve. It may well be—indeed I am quite convinced about this—that old age pensions will have to be provided, possibly on the basis of some form of contributory scheme, for all persons in other than casual employment.

Under Head 28, item 1, there is included provision for gratuities. Most European pensions and most European gratuities are on quite a lavish scale. African gratuities, on the other hand, are wholly unsatisfactory. In order to demonstrate my point I should like to take two examples. An African in the employment of the Public Works Department at Sh. 12 a month (and why the Public Works Department feels justified in employing an African at Sh. 12 a month I really do not know) received a permanent disability reckoned to be 33-1/3rd per cent, and Government discharged its responsibility in respect of this man by a payment to him of a sum of Sh. 327. Another employee of Government on a wage of less than Sh. 12 a month received an 80 per cent permanent disability. That man for the rest of his life will only be 20 per cent a man. Government discharged its responsibility in respect of him by the payment of a sum of Sh. 267, and thereafter acknowledges no responsibility towards him whatever. If Government sets no better example in the matter of the employment of Africans and in the pensions that it gives them and the gratuities it awards them (although I believe these gratuities are awarded under a model ordinance drafted by the Secretary of State for the Colonies) I submit that

Government is wholly failing to discharge its responsibility towards the Africans it employs, it is setting a bad example to the rest of the country, and is itself contributing very seriously to the jeopardy in which the African land units at the present time remain.

There are other associated matters. His Excellency the Acting Governor during the course of his communication from the chair remarked that "the Labour Advisory Board has for some time been giving consideration to the question of workmen's compensation and factory safety and it is hoped that the necessary legislation will be drafted and laid before Council early next year." I respectfully submit that His Excellency the Acting Governor was not fully informed of the situation by his advisers. I should like to place fuller details before the Council on this very important matter. The Labour Advisory Board—a board which should be discharging a most important function in the set-up of Government—has not met since the 2nd February of this year. At the meeting of the 1st and 2nd February it is true that the subject of workmen's compensation was discussed. The board advised that the immediate urgency was for a law along the lines of the model ordinance, with such amendments as might be necessary to suit local conditions, and secondly, that the draft bill should include all classes of labour, and certain other details with which the Council need not be troubled. At the same time that board had on that occasion before it an admirable memorandum from the hon. General Manager of the Railways which would have taken us a good deal further than was actually agreed at that meeting. Full consideration of this memorandum was deferred, and it was hoped that it might be kept in view as the aim for long-term policy. The board then went on to discuss present practice, and has advised that in assessing compensation large employers of labour should be asked to pay not less than the minimum rates laid down (and those employers should include the Government). The Labour Commissioner suggested that £50 should be the minimum in any case where permanent total incapacity results. The assessments to which I referred, a few months ago took place after this meeting of the Labour Advisory Board and the payments that were made were

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by no means on the basis of a minimum of £50 for total incapacity. The question, as far as the Labour Advisory Board is concerned, remains there. It is a matter of gratification to know that we may expect an ordinance before long, but I suggest it is a matter of immediate urgency and should not have been allowed to drag on as long as this.

If I may mention other matters dealt with by that board, as far back as February this year there was another change that was forehadowed but it shows no signs of being implemented. There is one particular matter under the Estimates relating to the registration of Africans which was dealt with by the board. It is well known that the domestic servants red book and *kipandes* are wholly abhorrent to the African community of the country. Under the International Labour Convention held in Philadelphia, whose findings were subsequently ratified by the Colonial Office, there are certain matters which are obligatory upon us, and included in them are a revision of the registration of domestic servants and the issue of *kipandes*. I asked at that meeting of the board that an early announcement should be made of Government's intentions in this particular matter. The Estimates are presented to us with the Registration Department presumably as it was last year and the year before, and we have promised a continuation of the wholly unsatisfactory state of affairs without any implementation of the recommendations of the Philadelphia Conference.

Among employees of Government whose terms of service are wholly unsatisfactory are two classes, to which I would refer in some particular detail. The first are teachers. In this Council last year at the time of the budget, considerable time was devoted to the question of the terms of service on which African teachers were to be employed. My colleague and I drew the attention of Council to the fact that the attention of whom the whole superstructure of African education depended, namely the elementary teacher, was in receipt of a basic wage of Sh. 25 a month on an incremental scale which took him by annual increments of Sh. 150 to Sh. 40, and on that basic salary of Sh. 25 a month he received a supplementary pay-

ment of Sh. 5 as war bonus. It was agreed, I think on both sides of Council and in Standing Finance Committee that the terms of service for African teachers in general, and of the lower grades in particular, were wholly unsatisfactory and demanded immediate attention. Steps were taken to prepare an acceptable scale of salaries. The Advisory Council on African Education appointed a sub-committee for that purpose, and later received the report of that sub-committee. I was horrified to hear the hon. Acting Financial Secretary, in introducing this budget, make reference to the findings of that committee and say that they were fundamentally unacceptable to Government. If Government continues to do so, it encourages the employment of African teachers at Sh. 25 a month in the elementary schools of this country, already inadequate for the African people, then there is a most serious state of affairs impending.

I make no threats of walk-out strikes, but I do know that we shall fall to attract teachers into the teaching profession, and I do know that a very large number of those at present employed in the profession will feel compelled by very circumstances to leave their task and seek more lucrative means of employment, and that through no fault of their own. I appeal as strongly as I can that the proposals of the Advisory Council for improved terms of service for teachers be reconsidered, and that the least that can be done at the present time is to improve the terms for the elementary teachers and also those of the primary teachers. That is an immediate necessity, for if it is not done at once education in 1946 will be threatened with a very serious state of affairs.

Turning to the Police, that is Head 29, I still feel that the terms of service for the police are wholly unsatisfactory, not only if I may say so, as they concern Africans, but unsatisfactory to all races. The Hill Report I find singularly difficult to understand. (Members: Hear, hear, and laughter.) I have asked myself on several occasions whether Mr. Hill on several occasions or not, and if reached any conclusions or not, and if he did, I personally failed to see any reference to them in the report as published. (Hear, hear.) The particular sections which deal with the Police, on pages 36 and 37, are most disappointing, and

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I trust that Government will once again listen to the plea from this side of Council that the whole question of the Police Force of this country, particularly as it concerns the terms of service, should be subject to immediate attention, by your Government. (Hear, hear.) It is true that the budget provides for an expansion in the Police Force. I have gone so far as to make an analysis of it on a racial basis, not because I want to raise a racial issue but because of references already made by a number of speakers asking for further information on the subject. That information is, as a matter of fact, available. The Police Force generally is to be increased by an addition to the establishment of 28 European, six Asian and 107 Africans proposed in 1946. I would submit that that is inadequate, and that the additions to the Railway Police and the Port Police are also inadequate. The total addition to the Police Force is in the region of 457 persons.

Not only do we need an addition to the Police Force very considerably in excess of that provided in the Estimates for next year, but I submit that the methods of police training should be thoroughly overhauled and that African police constables, before they are sent about their task, should be as well trained as they possibly can be. At the present time, through no fault of their own, the African police entirely fail to enjoy the confidence of the people whose guardians they are and on whose behalf they act. They indulge in methods they must have learned from somebody, they are not *suo generis* in the African mind, and they indulge in methods of a reprehensible nature which make the work of the Police Force something of which this Colony can in no way be proud. I appeal, therefore, sir, for something very considerably better in our Police Force.

Turning to another aspect of the employment of Africans as it is reflected in this budget, at various places—for example, under Public Works—Extraordinary, and elsewhere—provision is made for the housing of Africans in employment. At the top of the table on page 139, £2,000 is voted for housing 18 administrative assistants. I would ask, what kind of house is being provided for such people for something a little

over £100 a man? When one considers that the Public Works Department somehow or other manages to spend £2,500 on a class III house for a European who is employed in a very similar capacity. Under Head 42, page 150, reference is made to African staff quarters at Nakuru, and £250 is required to complete them. Anybody who has visited the European schools of this country will realize the appalling conditions under which the African staffs of those schools are expected to live. If you, sir, would cross the road from Government House and visit the African staff quarters at the Nairobi European primary school, it would be a matter of surprise to you that epidemic diseases of all kinds are not raging among the European children of that school. The African quarters there are a complete disgrace and a menace to the health of the European children and the African staff alike.

Turning to Head 14 of the Development and Reconstruction Authority votes, items 24 to 26, £213,000 are provided for African housing. I could find no reference in the memorandum as to the number of Africans which that £213,000 was expected to house. There is no indication whether they would be for individuals or families, and I again repeat that unless we are going to provide for the whole family and not just the man in employment we are not facing the situation adequately. Nor is there any indication as to how far this £213,000 will go towards meeting our present commitments, nor any indication of what is immediately proposed for those who are unhoused.

At the risk of repeating myself unnecessarily, I submit that until all this is taken into consideration fully the land remains in jeopardy, and while the African is underpaid, badly housed (if indeed he is housed at all), and has no ultimate social security, we are failing to deal with the pressure on the land, and we are contributing further to a very serious crime position. The situation calls for a much cheaper extension of African housing, and I suggest that our experience in this country should teach us what has already been taught housing authorities in other parts of the world, not least in South Africa, that housing can only be provided effectively if it is provided by African labour. The em-

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ployment of highly-paid Asian artisans to provide housing for Africans at a cost of £100 for a room scarcely big enough to swing a cat in will never meet at an economic level the housing needs of the urban African population this country. That is the reason why we go on having sub-economic housing for Africans.

That is why Head 22, Item 3, has to provide £5,000 as a subsidy to Nairobi Municipality towards African housing. Let us have something less imposing, perhaps less permanent, less expensive, much more rapidly constructed, that will deal effectively now with the major part of this grave social evil. Let us have village settlements outside the towns instead of cluttering up our towns with African quarters, with houses which have got to last 50 years, even though for 45 of those 50 years they have been out-moded. Outside Mombasa there are 500 or 600 acres at Kisauni which might well be acquired for the purpose of such an African settlement, and there is money for that purpose presumably, under Head 10, item 6, of the DARA vote. Let us have some such scheme as that, and let us provide incidentally more educational facilities for these people at the coast, for their children, and welfare arrangements for their wives. Incidentally, if you take over that Kisauni area, you should also take over Nyall bridge and make that a public thoroughfare instead of a private monopoly. (Hear, hear.)

I notice, too, in the Estimates, while on the subject of housing, that there are no local native council subsidies for housing. Local native council finance is a subject to which I am about to turn, and if these councils are unable to house their employees effectively they, too, like the central Government, will be contributing to this menace which hangs over the land in that it has to support not only the agricultural community but the wage-earning community outside.

Turning to the question of local native council finances, I have in this Council on a number of occasions called attention to the fact that local native councils are quite unable to meet commitments which have been placed upon them. In spite of a very considerable increase in their assets, they cannot carry these large responsibilities. I am sorry that it was necessary to ask the hon.

Chief Native Commissioner for the figures to complete the paper that was placed before this Council indicating the revenue and expenditure of local native councils in 1944, but I trust that now there has been placed before hon. members the figures for the missing columns they will be able to appreciate how much local native council finances have deteriorated, and when they receive the figures for 1945 I am convinced they will become aware of the fact that local native council finances this year have deteriorated still further. A system is needed which will adequately deal with the inter-relationships between local native council finance and central Government finance. In the absence of that system a kind of mormain is arresting the progress of their affairs. They have been peremptorily ordered to undertake no further educational development in 1946, and have been told they will not be reimbursed by Government the cost of war bonuses to teachers who teach on their behalf—I trust that the hon. Financial Secretary will note this phrase—who teach on their behalf through the educational activities controlled by the district education boards in local native council areas.

I had hoped that this whole question of inter-relationships between central and local native council finances would have been adjusted before this. In one of the first remarks you made, sir, shortly after your arrival here, one I personally greatly welcomed and for which I was deeply thankful to you, you said: "I should like to interject on that point (finances) 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." That was when the Standing Finance Committee report on the Draft Estimates for 1945 was before this Council on the 5th January this year, and the unsatisfactory state of affairs to which I called attention has not only persisted until now but threatens to persist into 1946 and until who knows when.

On the question of education I have already spoken; I have mentioned the unsatisfactory terms of service of African teachers; I have mentioned the fact that



[Archdeacon Beecher] local native councils, saddled as they are with heavy educational responsibilities, are unable to meet them and, indeed, have been forbidden to do so. If we examine with any care at all the educational provision in the 1946 budget, while there are, it is true, welcome increases in the provision for education for all races, the increases are quite out of proportion to the populations concerned, and it is possible, I think almost certain, that the reimbursements collected by way of fees are not in proportion to the ability of the particular individual parents to pay. At the same time I must point out that the 1946 budget now before this Council in no way reflects the very, very considerable amount of money that the local native councils through their education boards provide for African education in the reserves. That sum of money is nowhere stated and, what is much more important, the sum of money which these people themselves raise for the local support of individual schools, many of which now have trained teachers, is neither reflected in the local native council figures nor in the Estimates which are now before this Council. In other words, the African community through their local native councils is providing for its education to a very very considerable degree to a figure which is not available to hon. members of this Council. I should very much welcome a very close examination by Government into the whole question of the finances of education, and I think that would perhaps produce some very interesting figures. It would indicate how much yet remains to be done, how much the African community is already making itself responsible for its own education, and indicate how much the other communities could make themselves responsible for their own education.

The hon. Acting Financial Secretary said that unquestionably voluntary bodies and individuals would have to do more in this particular matter. I was, therefore, somewhat surprised with the answer which he gave me on the subject of income tax. I had asked that approved charitable institutions should be given a concession in respect of income tax similar to that provided by the income tax laws in operation in Great Britain, namely, that supporters of these charit-

able institutions who have made covenant contributions to them should have the amount of that contribution included in the sum of money on which income tax is not levied. I have not been favoured with an official copy of the reply, but if I understood it aright the hon. member said that such concession would be granted at the expense of the taxpayers. If that is the case, what about the children's allowances which are already made to the taxpayers? It would appear that all the children in respect of whom the present income tax concessions are made are reared at the expense of the general taxpayers. If Government itself is wholly unable to meet its commitments in respect of education and other social services and is dependent on voluntary bodies doing some of that work for it, it is a small thing to make these concessions, already agreed to in the British income tax legislation, and allow the amount of a covenant contribution to an approved charitable institution to be included in the amount on which income tax is not paid. Incidentally, if the hon. Acting Financial Secretary still regards that as being done at the expense of the taxpayers, I would point out to him that income tax here is Sh. 2 in the £; if that concession is multiplied by 10, any money which becomes available at the expense of the general taxpayers does in fact become available for public services by an amount ten times the concession thus made.

I do not propose to say any more on the subject of African education. Hon. members of this Council are aware of the tremendous things which have to be faced and the fact that this country can only go forward as a united whole. It will be the educational development of all races which will contribute very largely to the ordered development of the life of the whole country. We have insisted on a number of occasions that we cannot go forward on a racial basis, but that we must go forward together, and that if one aspect is defective, then the whole suffers. If that is the case, then African education in particular, and African social services in general, are due a very considerable improvement.

I now turn to a number of much smaller points on which I shall try to be

[Archdeacon Beecher] much briefer. Under Head 4, the subject of Kerugoya and Karatina dried vegetable factories is dealt with. The hon. Director of Agriculture seems to be under the impression that my colleagues made remarks about the dissatisfaction of the African people at the continuance of the Karatina factory and pointed out that no question of leases and so on were involved. The land in the native land unit has been placed at the disposal of the dried vegetable factory on a lease, and it was understood that this lease would terminate at the end of hostilities or at such other time, within a period of a year, I think, after the official date of the end of the war, as should be determined. The African is in some considerable uncertainty as to the future of his land in respect of those nurseries. Further, it would appear to me that there has been what might be described as a hole-and-corner method adopted in the negotiations between this Government and the firm overseas in regard to the future carrying on of that dried vegetable project, and it would appear that the African point of view has not been adequately taken into consideration in respect of the negotiations.

A little while ago I mentioned the question of district officers being called upon to act as trade advisers. Under Head 10 item 8, provision is made for an Economic and Commercial Adviser and under Head 36 there is provision for a Registrar of Co-operative Societies. That still will not meet the local demands for much more accurate advice being given to the African in matters of trade. I have before me documents which indicate that a certain co-operative society was formed at the time of Mr. Campbell's visit to this country, with the full knowledge and apparent support of the Administration. After that company had been registered and after it had commenced its business, the agricultural officer in the area concerned clamped down on its activities, with the result that that co-operative society sustained an immediate loss of Sh. 5,135. I submit that that is not an isolated instance; there are many instances of Africans losing money in trade because there is not adequate trade advice available to them. The future of Africans in trade is a matter of very considerable importance and something

on which district officers should not be expected to advise, but on which expert advice should be available of a kind other than that which a Registrar of Co-operative Societies or so exalted a personage as an Economic and Commercial Adviser can give to him.

Turning to Head 33, Medical Department, the hon. Member for Ukamba suggested that African hospitals and dispensaries should become fee paying, and on that subject I am not prepared to give an immediate answer. I think both to my hon. colleagues and I would like an opportunity of testing an African opinion on that, but before doing so it would be of very considerable help if the hon. Acting Director of Medical Services could indicate whether there would be any possible expansion of medical services if such fees were paid. I therefore submit that possibly the time has come when there should be a committee of inquiry into the future of African medical services along those lines. In order that some expansion may take place, in which the Africans, able and willing to pay part of the cost, contributed their share.

Under Head 26, Item 23, Miscellaneous Services, there comes the question of film censorship. I should again like to make it clear that I am not making a personal accusation. I have a high regard for the present censor and for those who assist him, but I do submit that the money which is spent on film censorship is very largely wasted because the law is which they are called upon to operate is wholly wrong. It seems to me altogether wrong that Africans should be considered unfit to see certain films, or that certain films should be considered unfit for exhibition to Africans and considered fit for exhibition to Europeans. I submit that our standards should be such that if they are fit for exhibition to Europeans they should also be fit for exhibition to Africans and that no racial bar should be allowed to enter into the question of film censorship. On the other hand, there would seem to be some need for the provision of what the present law does not provide, namely a censorship which operates in respect of small children, whatever their race may be. I recently had my attention drawn to the fact that a matinee performance of the film which

[Archdeacon Beecher] was, I think, called "Dumbo"—one of Walt Disney's productions—children were being entertained immediately preceding it by a "short" of the Belsen atrocities. That was immediately stopped on representations being made to the management, but I cite this to show that the law which governs our film censorship should make provision of quite a different sort from that which is provided at the present time, and until it does the sum of money which is provided in our estimates is just being wasted.

It would be possible to go over the whole of the budget with, as it were, a fine tooth comb, but time does not allow one to do so, and I think I have served my purpose by calling attention to the fact that the budget, from the African point of view, is totally unsatisfactory from very many points of view, and I will leave it at that.

There is one thing I should like to say before I sit down. Encouraged by the extremely outspoken statement by the British Prime Minister, Mr. Clement Attlee, to the United States Congress, I would suggest that the Government is faced with a situation with which it by itself cannot adequately deal. I, at the risk of a breach of my privileges in this Council, would suggest that the situation which confronts the Colony and indeed the situation which confronts the world as a whole, is one in which material considerations alone cannot of themselves suffice, and I would suggest that spiritual principles must be brought to bear upon the situation, and I would content myself here by saying what I have said in much greater detail and much more pointedly elsewhere, namely that I would appeal to the leaders of the religious communities as a whole of this country as a whole to provide the Government of this Colony, as it seeks to face the future with a united front, with that sound spiritual underpinning without which Government's material plans can be of little avail.

I feel I have ranged over a wide subject. I have made little positive contribution, may be, to this subject, but I have at least called attention to the situation as it affects the African and the magnitude to which it is unsatisfactory, and I have appealed to those who are in a position

to give their personal support to the carrying out of a programme which seeks to alleviate that situation, a programme which I hope will soon be formulated to the satisfaction of all people. I support the motion.

MR. TRENCH: Your Excellency, I am afraid the Council will find it very difficult to bear with me after the last speaker. I am quite incapable of putting over points in such an eloquent and clear manner, but there is a good deal of verbiage but nothing in this Council, a lot of which has nothing in it and some of it has a little bit of meat, and therefore I hope Council will bear with me a short time.

Last year my hon. friend the Acting Financial Secretary, when he was appointed Economic Secretary, created alarm and despondency in my mind. I felt that Government were trying to fit a square peg into a round hole; nor was my mind in any way eased when I heard him get up in that capacity and speak in defence of certain Government departments. However, the Colonial system, as we know it, demands that Governors come and Governors go, and if you, sir, had not been appointed to the Governorship of this Colony recently I should have added with a clear conscience that Government inaction remains with us for ever. However, I do not feel personally that it is fair to add that at the moment. (Laughter) (MR. COULDRAY: At the moment!) My hon. friend the Acting Financial Secretary has been restored to a position to which, I believe, is well able to deal with, and I do think that Kenya Colony has a man that it should have the greatest confidence in. He has a very difficult proposition to put up and while possibly I am not able to deal with him in the way possibly that I should like to do (laughter), I have no doubt that the hon. member on my right will put some very knotty problems to him later in the debate.

The position to my mind is rather unsatisfactory in that to-day we only have half the picture presented to us. We hear a great deal about planning, and it is a great disappointment that DARA is not in a position to present her plans. It appears that the spirit is willing, and apparently has been willing for many years, but the flesh has been weak, and

[Mr. Trench] we have no proof yet that the flesh is going to be other than weak in the future.

I am going to deal very shortly with the Administration. Any future development in this Colony to my mind depends very very greatly indeed on our provincial administration. I say particular emphasis on the word "provincial". The provincial administration are the people who are really going to make a success of the future development of this country, especially in the native reserves. You can plan in Nairobi; you can have DARA; you can have any amount of money, but—unless your provincial administration is composed of the right type of men, who are top-notchers, have qualities of leadership (firmness) will create confidence among the natives), and have a capacity for hard work, I feel quite definitely that the carrying out of plans will never be successful, and therefore I do hope that when DARA does get her plans out you will see that your provincial administration is composed of men that you have the greatest confidence in. I think that the fact that the hon. Acting Financial Secretary has admitted that Ukamba is on the dole, and is likely to be on the dole for many years, is a clear indication of what has happened in the past. I think it is a courageous statement. He will probably get rapped over the knuckles, but he is to be congratulated on stating publicly what we have all known for years, and I expect that before the end of the debate he may be drawn to make further statements which show the weak-kneed policy which has been going on for very many years.

Dealing with Controls, I should like to support the hon. Member for Nairobi South and also the hon. member Mr. Thakore. The hon. member Mr. Thakore, to my surprise, was very concerned about the Stock Feed Control and suggested that that particular item should return to co-operative societies such as the Kenya Co-operative Creameries or the Kenya Farmers Association. I must say that I could not sympathize more or be more pleased than to hear him say that! It appears that he is desirous of doing what is now known as getting a bit closer together, and I consider myself some sort of gentleman

and a little bit later in the debate I propose to take a little bit of interest in his community's affairs and to put one or two suggestions over to him and his companions.

In the Acting Governor's speech on the question of Maize Control it was stated that for a considerable time to come Maize Control would have to be kept on because production and consumption were very close together at the present time. That is not a completely new situation; it occurred before the war and the trade was capable of dealing with the situation. I do suggest that that is no excuse for maintaining Maize Control for any considerable length of time.

Locusts: I should like to ask the hon. Director of Agriculture what is the international position to-day. I am beginning to feel that this locust campaign that has been going on for many years now is causing the locust to become a very hardy animal indeed and to continue, as he has done in the past, to come in cycles; and I wonder whether it would not be possibly better to do away with this campaign and put the money aside as an insurance for those people—European, African and Asian—who might be damaged by any future invasions of locusts. We have heard that the idea of international control is to get at the permanent breeding grounds, and I believe that some progress has been made in that direction.

I would thank the hon. Acting Chief Secretary for his word about European maize production, and his statement that it is an essential part of the economics of this country. What the European maize grower to-day wants is a fair economic price and no subsidies. The Machinery Pool has never intended, as has been suggested, to subsidize European maize production, but it should definitely be put on a paying basis soon, and I think the time will arrive shortly when this Machinery Pool should be liquidated.

Referring to education, I should like to point out the state of the temporary buildings at the Nakuru European school. I was horrified to find that the hon. Acting Financial Secretary had not included a figure for the construction of permanent buildings at Nakuru. As you are aware, a number of pupils are

[Mr. Trench] is the question of immigration. It does seem to me and I should like the Council to seriously consider the matter, that it is inevitable that sooner or later that restriction of immigration must take place. The question of the number of children which an Asiatic family produces must also be considered, because the Asian must realize that to-day he is already impinging on the economics of the African, and it seems to me that if my hon. friends on my left wish to exterminate themselves in the most rapid manner possible they are doing the very thing that is required. Therefore, I do hope that they will consider the matter very seriously. They have been warned, and so in some future year they will not be able to turn round and say "You did not give a little bit of friendly advice" (Laughter).

Labour officers: I am very disappointed, like the hon. Member for Nairobi South, that the Labour Commissioner is not on Legislative Council. I consider that this question of labour is one of the biggest problems we have in this country. We talk about secondary industries and the absorption of labour, but I think that whenever we mention the word agriculture I believe we ought also to say the "primary industry" of the country. As soon as you mention labour for agriculture, it seems to have a psychological effect on the administration of Government and everybody concerned, and instead of encouraging the African to go out to employment the tendency has always been, I believe, to advise him to stay at home. That cannot go on. We have got to get a proper balanced economy in this country, and I believe the Labour Department has not only got to deal with labour conditions on farms and elsewhere, but it has also to be the means whereby the employer and employee are brought together and help the employee to find work under decent conditions. The hon. member Mr. Mathu, to my disappointment, and his colleague, stressed the necessity for better conditions, better wages, and so on, but I think I am right in saying that neither of them really stressed the question that, unless the African gives better service, he cannot expect to get higher pay. That applies all over the world, it is a question of economics, and there is nobody who can help himself

Turning again to the question of education, it is truly alarming to hear that the school children of one of the immigrant races are increasing at the rate of 12 per cent per annum. I cannot see who is going to pay for the education of those children, if it is going to go on at this rate. I feel the time has come when the European or the other immigrant race of this Colony will have to say that it is not prepared to pay for this prolific reproduction of the other immigrant race and that they must take on their own responsibility financially. It does seem to me that very serious consideration should be given by the hon. member Mr. Thakore, and I believe the hon. member Mr. Shamsud-Deen has already been approached and has spoken about it, to this question of the rapid increase of the Asian population in this country. In their mother country, the Asian population is very frequently visited by pestilence, famine, floods and other acts of God which are very much more momentous and more damaging than they are in this country, and they do reduce the population in consequence. But in this country that sort of thing does not happen. (Laughter.) I believe we have got to consider, or the Asian community has not to consider, more practical steps. (Laughter.) The first one

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[Mr. Trench] more than the African can in this direction. I and many others have been farming in this country for the past 25 years, and I do not believe there is a single European employer of labour who has not, time and again, paid more to an African encouraged by the fact that he appeared to be a person who would give better service, and when he has got up to a certain standard, Sh. 20 or higher, then everything goes with a crash, and he becomes a perfectly useless person to be employed. All realize that we have far too many Africans on a farm owing to the amount of the work they do, and it is a question that worries every one of us, but nobody can help more than the African himself.

As regards teachers, again, as I advocated last year, I believe they have got to be controlled, specially supervised, because many teachers come on to farms and are paid by the farmers, but we find that they are in some cases living on the brains of their own pupils. That has a very bad effect indeed, and until Government produces teachers and controls and registers them and looks after them and sees that they teach a correct curriculum, we shall never get any satisfactory teaching on farms.

Another question, roads. Here I would suggest that my hon. friend the Acting Financial Secretary is being a penny wise and pound foolish. Our roads in the last two or three years have not been getting the money they should, so that the district councils could have put the work into them that they should have done because of the increasing costs, and there is no doubt about it that our roads are very bad now, and it will cost us more in the long run to put the roads, the district roads particularly, back into a reasonable state than they can carry the increased traffic which in the future will pass over them.

Referring to page 170, Appendix E of the Draft Estimates, I should like to know whether that figure of £5,078 last year was an increase on last year and, if it is, why? Another question I should like to ask concerns the Cereals Pool now that hostilities have ceased. I should like to know what action is going to be taken regarding the inter-territorial share of the losses of

Cereals Pool for (a) 1944-1945 and (b) 1945-1946. Finally, I would say that the country is getting impatient at development plans not being produced. Secondly, I would repeat that your provincial administration must be brought up to absolutely top notch. Thirdly, the African must increase his output in order that he may increase the wealth of this country and receive the benefits which he is so anxious to have.

I support the motion.

HON. SHERIFF ABDULLA SALIM (Arab Area): Your Excellency, previous speakers in this debate have commented on the increased expenditure provided in these Estimates. I do not wish to waste the time of Council by repeating the same arguments, but to speak on one or two matters of interest to the country and to my community.

I should like in the first instance to raise the question of the roads. Roads play a very important part in the development of a country, and I am afraid the coast roads are very much neglected and are not comparable in any degree with the roads up-country. I know that it will require a large amount of money to bring them to that standard, but I hope when the development scheme is taken in hand the development of the roads in the coast area will receive the greatest sympathy from Government so that they can be called roads. (Laughter.) We have also on many occasions been told of the realignment of the Mombasa-Lamu road, but up to now nothing has been done. There is also a proposal by the Public Works Department before Mombasa Municipal Board for deviating the main Malindi road from the alignment that has been in existence for several years. I wish here to register my strong protest against the policy adopted by the Public Works Department by passing the old African and Arab towns and villages.

While on the subject of roads, I should also like to raise the question of Nyali Bridge. You are aware that it belongs to a private company, and that it connects the island with the mainland on the Malindi side, a productive area at the coast. I take it also that Government is aware of the trouble given the public by the directors of that bridge.

[Sherif Abdulla Salim]

Not only that, but also the exorbitant toll levied at present on producers at the coast I ask that bridge. For that reason I ask Government seriously to consider the question of acquiring this bridge. If that is not possible at the present time, then Government should subsidize the company so as to reduce the present toll by 50 per cent.

As regards education, I should like to say that Arabs are now very anxious to give their boys and girls the best education they can get in this country, and I am sorry to say that the Education Department does nothing to improve Arab education. The Advisory Council on Arab Education has many times put up recommendations to the Director of Education for their requirements and for the improvement of Arab education, but still I find that nothing has been done at all. I also notice that money is provided in these Estimates for overseas bursaries for practically all communities except the Arab community. I should therefore like to know whether the absence of such a vote is due to the Department's or Government's refusal to provide such facilities to the Arabs? I should also like to suggest that Government should appoint a committee to inquire into Arab education generally and to advise Government on the policy to be pursued.

Coming to the Medical work, I should like to bring to the notice of Government the unsatisfactory position in regard to Arab patients in the Mombasa hospital. I have been told that a certain ward is reserved for Arabs who can only afford to pay Sh. 1, but I often receive complaints from the Arab Association that people other than Arabs are admitted to that ward, which has caused a certain amount of feeling among the Arab community. There are at present about eight or ten beds reserved for Arab patients, and for a big town like Mombasa with approximately 15,000 to 20,000 Arabs this number is like a drop in the ocean.

As regards the Agricultural Department, for several years there has been an experimental station established at Kibaraani, and I know a lot of money has been spent on it. I should like to know the benefits that coast agriculture

has derived from this station. It cannot be denied that fruit culture is one of the important products at the coast, and also the market existing in Mombasa and throughout the country, and the Agricultural Department I find takes no interest in the coast agriculture at all. I should like to be assured that they will take an interest in coast agriculture and fruit culture at the coast.

Mr. PRITAM (Western Area): Your Excellency, although I may not be able to make a very intelligent contribution to this debate, I will however, make an effort to bring to Your Excellency's attention the difficulties and disabilities under which my constituents are suffering.

Last year I had spoken about the continued insecurity for the Indian shops in the reserves and settled areas. The Hon. Chief Secretary in a letter to me said that something would be done after the termination of hostilities, and I trust that before very long that promise will be implemented. While on this subject I should like to mention the fact that some of these plots are very small in size, and some of these townships are in my opinion no better than concentration camps. The only interest that Government has taken in these wayside townships is to regularly collect taxes and thereafter to forget all about them, with the natural result that there is no one to look after them, and conditions in certain places are very insanitary. It is equally necessary that in the sizeable towns there should be the necessary sites for recreation, and schools, and also provision for crematoriums and cemeteries, and with due respect I would again remind Government that nothing has so far been done in regard to the latter. While on this subject, I would say that it is no use making a township permanent if before very long the roads leading to the townships are blocked by African markets. I mention specifically the Kericho district, which has markets to the south, north, east and west. It would be better if such a township were done away with. Some district officers and also agricultural officers carry on propaganda against the Indian traders, so much so that they openly tell the Africans not to deal with the Indians. I would request Your Excellency to issue a directive that

[Mr. Pritam]  
Government officers should not indulge in racial matters. So long as they are paid from Government funds they have got to be fair and impartial. I could not understand the settlers making some such agitation against Indian traders, because they believe the Indians are an obstruction in their political advancement, but civil servants have no right to support the settlers in that respect. While on this subject, so far as Indians are concerned, they are quite willing to make room for the African trader if and when he is fit to take his rightful place; despite the fact that trading rights to Indians are just as important as the inviolability of the Highlands is for Europeans. Unlike our friends the Europeans, who have had the Highland reserved for all time, circumstances could be created whereby the Indian traders get squeezed out, then there could be no reservation of trading rights.

Your Excellency was very generous in making the announcement which Sessional Paper No. 3 was being discussed that a committee, with an Indian chairman, would be formed to investigate the possibilities of Indian settlement and perhaps to find land which is more or less non-existent. Anyway, nothing has so far been done, and I should like to ask Your Excellency what the position is at the moment. Our thanks are due to the Hon. Commissioner for Lands and Settlement for the reservation of some 2,000 acres of land which have recently been detached from the veterinary quarantine. This land, I would suggest, be given to such needy Indians in the Kibos area whose acreage is 50 and in some cases less than 35. In the vicinity of Kibigori quite a lot of land has been lying fallow. Will Government take steps to see that that land, which has been lying fallow for years and years, be put into some sort of use, otherwise undeveloped land held for speculative purposes should be heavily taxed to compel development.

I should like to know from the hon. Director of Agriculture, with reference to the agricultural training school at Morogoro, what is the position, and when will the school be ready to receive Indian candidates for their training.

Last year I suggested that the maximum salary of the Indian assistant foresters be raised from £240 to £300, and I was very much surprised to see that, as a result of the able report of Mr. L. C. Hill, the salary has been lowered from £240 to £230. (Laughter.) While on this subject of the Forest Department I should like to know what is the future of the temporary sawmills which came into being during the war, and how many have been given notice. I do not know whether Your Excellency is aware that according to arrangements made some time ago, timber is to be cut for the military until the 31st December. Recently a circular was issued by the Timber Control requiring all the mills to dispatch their timber on or before the 31st December as this is the requirement of the military. On the other hand, the position of the Railway is such that they are not able under any circumstances to supply a fraction of the trucks required for the timber until they cease moving cotton from Uganda. In view of the fact that large quantities of timber which have been specially cut for the military are lying at various mills, I trust that Your Excellency will take some steps whereby the date of despatch is extended.

Coming to the most vexed question of immigration, which I am not going to speak on the major subject I want to bring to your notice a very peculiar state of affairs. If two persons arrive by one and the same boat and one of them applies for a permit to be issued to him for his wife he gets it, and the other is refused. The reason given for refusal to the second is that he is not normally resident. I did query what is "normally resident", and I got a very evasive reply of an official character to my question on this subject, and I do not know what is the real intention of "this term 'normally resident'". I should like Your Excellency to make it very, very clear, because some of the illiterate Indians think that an elected member can do wonders. But we know our limitations, sir! (Laughter.) When we ask Government officials a question, a negative reply is ready for us, and often there is no reply at all; so I think the time has come when you should make it very clear what this term "normally resident" is for our guidance, so that we can spare Government a lot of bother and time.

[Mr. Priyam]

I do not know whether it would be impudence on my part to say that the present Director of Man Power is, perhaps, a retired official—he cares for some, no doubt, and he fears none, and at the same time he is responsible to none. Cases are daily recommended by his assistant—the Indian Director of Man Power—and they are simply thrown out and nothing has been done. It is time the post of Deputy Director of Man Power (Indian) was abolished, as it has no significance at all. I would suggest for your consideration, sir, that until something is done one way or another, all applications for entry permits be referred to some legal department, preferably the Member for Law and Order, who of course we know will observe the law as it should be observed. But our present position is hopeless.

While on this subject, a spate of correspondence has appeared lately in the local Press regarding Indians and their activities. Some letters are to the effect that Indians are not required any more in this country and they should be asked to quit. The latest letter which appeared in the *Standard*—possibly I should say it was an inspired letter—was a rebuttal column in India. It was perhaps the opinion of a Kikamba, but the writer of the letter, his educational qualifications and what his experience is are all unknown to us. We would not put up with this sort of vilification of the Indian community, and if the *East African Standard* has got nothing else to write about I think they had better curtail their size. In this connexion I would mention that similar things happened some 20 years ago, when, of course, the *Standard* printed letters from all sorts of people against Hindu widows and, despite warnings, continued to find space for scurrilous correspondence, and at long last the Indian Press retaliated in fitting manner. An article portraying English ways of life had appeared in the paper, *Democrat*, and thereafter they have been absolutely quiet. Our future motto, Your Excellency, is going to be: lit for tat. I should be the last to believe that all the Europeans are saints and all the Asians are sinners. After all, Jesus Christ was an Asian also.

Coming to the Imports Control, this department is most unwanted. Of course,

on this particular point all we unofficials are united that this department should go.

His EXCELLENCY: Which department?

MR. PITYAM: Imports Control. I regret to say that the Imports Controller has shown no initiative. There should have been some sort of distribution scheme some four or five years ago, but now, when the war has ended and the price of all sorts of things, most especially of textiles, is collapsing, he has agreed heartily to some sort of quota system. This Imports office has been used to protect the few so that they can live on the blood of the whole community. We can get anything from the sterling area without difficulty, provided there are no restrictions on export from those countries, and I wonder why such a generous amount can still be made for this particular department. I think it is something like £20,000, against the sum of £19,196 in 1945; I wonder if there is any justification for an increase. It could easily be halved, and the Financial Secretary could then find money for education.

Coming to the Information Office, I do not know what is the opinion of the other members, but so far as the Indians are concerned, I do not think it is any longer necessary, although it was necessary in wartime, yet the vote for this particular department has gone up by easily £5,000. This vote, too, can safely be halved. Price Control: The same thing applies to Price Control. Instead of this vote going down it has gone up by something like £4,000, and the matter really requires very close attention, because up to now the Price Control has been able to punish the retailers, but it has never been able to get the real offenders, who are the importers.

I now come to a most important subject, the Police. The vote for this department has more or less doubled since 1939. As far as their activities are concerned, I regret that our experience up-country is a very unfortunate one and I can say, without fear of contradiction, that graft and corruption are rife throughout the country, and in Nairobi particularly. I wonder how many hon. members of this Council are aware that there are regular dope dens, gambling dens, that there are regular receivers of stolen

[Mr. Priyam]

The Police will not touch them. It is happening all the time. You receive all sorts of reports to the effect that crime is decreasing, but in fact it is on the increase, and unless something is done to have the whole thing inquired into I do not know where we are drifting to. This Council has been very generous in improving the terms of service of the Police, and naturally we expect improved service. In the Nakuru area, the tyres of lorries travelling from here to Kisumu were seized and quite a number of Indians as well as Africans were searched under the suspicion that they had military tyres. The tyres were seized at a time when there was an acute shortage of tyres. No action was brought for months, and at long last some action was brought, but in most cases they were either dismissed, or withdrawn. The matter needs very careful investigation, and if Your Excellency agrees to make an inquiry it will be necessary to remove some of the officers from Nakuru. Perhaps you will find some facts of a very revealing nature.

Coming to education, we have been told very frankly by the hon. Acting Financial Secretary that the population of Indian children of school going age is growing by 12 per cent. I should like to know where my hon. friend the Acting Financial Secretary gets his figures from. The fact of the matter is that there are still a large number of children in all townships—Mombasa, Nairobi and other areas—wanting to be admitted to schools, but due to one reason or another for years they have been waiting. It is very likely that large numbers may have been admitted, but still I should like to know the real source of the information of my hon. friend the Acting Financial Secretary. Until schools are put up at Nairobi, Mombasa and up-country, the girls and boys will continue to roam about without any education. We were assured last year that something would be done with reference to the provision of hostels for Indian boarders, but nothing so far seems to have been done. I trust that Government will look into this matter. We were promised some time ago that a new school would be built at Nakuru, but so far no start has been made. I should like the Provincial Commissioner for Rift Valley to tell us some-

thing about the condition of the school in which our children are now housed. I think it is not fit even for decent race-horses.

His EXCELLENCY: Could the hon. member give me an idea how much longer he proposes to speak?

MR. PITYAM: I still have much more to say.

His EXCELLENCY: Would it be agreeable to carry on to-morrow morning in that case? I think it would be more convenient to members.

Before we adjourn may I say one thing from the chair, as this is the first time I have presided over a budget debate. I understand it to be the wish of the Council that there should be no very strict enforcement of the relevancy rule in the budget debate. It is a matter for Council. I have allowed members to discuss a great many things which, with difficulty, could be said to come within the Estimates, and I will continue to do so for the rest of the debate, if it is the wish of Council. If that is not the wish, if I am to call members to order for departing from the subject, I shall be calling them to order very frequently. I take it that it is in fact the practice to allow a certain amount of latitude.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 27th November, 1945.

**Tuesday, 27th November, 1945**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 27th November, 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 26th November, 1945, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

BY MR. SURRIDGE:

Sessional Paper No. 7 of 1945—The Defence (African Labour for Essential Undertakings) Regulations, 1942, Termination of Conscription.

#### ORAL ANSWERS TO QUESTIONS

##### No. 128—TEXTILE FACTORY

MR. TRENCH:

Will Government give an assurance that it will welcome the establishment of a textile factory in Kenya, employing British and African operatives?

MR. THROUGHTON: The question of establishing a textile factory in East Africa has been considered by the East African Industrial Council, which came to the conclusions that there is an opening in East Africa for one cotton spinning and weaving plant only and that it should be set up at Jinja in Uganda. The Government agreed with these conclusions.

As regards the question of establishing a textile factory in Kenya, the Government would be glad to receive fuller details of the proposals referred to by the hon. member.

##### No. 130—TANA REPORT, 1934

MR. COOKS:

What action has Government taken and/or will take with regard to the carrying out of the recommendations of the Harris Report, published in 1934, with regard to an irrigation barrage across the Upper Tana?

MR. BOYD: Under Scheme No. D. 269 of the Colonial Development and Welfare Vote a grant of £6,000 was made for a reconnaissance survey of the Upper

Tana River area. Unfortunately it has not been possible to start the survey, since until recently the Government was unable to recruit the necessary staff, either in the United Kingdom or in the Union of South Africa. The services of a suitably qualified engineer have now been engaged and he is expected to arrive in the Colony shortly. The necessary provision for the survey has been inserted in the 1946 Draft Estimates under the Development and Reconstruction Authority Head 13, Item 3, and the work will be started early in 1946.

##### No. 135—AFRICAN OVERSEAS BURSARIES

MR. MATHU:

Will Government please state whether it is proposing to set up an African overseas bursaries committee? If the answer is in the affirmative, will Government please arrange appointing such a committee soon?

MR. DONOVAN: The Government has already asked me to draw up draft rules under section 5 of the Education Ordinance to govern the grant of overseas bursaries to Africans in the near future. Such rules will provide for the appointment of a Board of Selectors for African bursars.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

##### REFERENCE TO STANDING FINANCE COMMITTEE

MR. PRITAM: Your Excellency, I regret that I am not able to speak loudly and apologize to those members of Council who cannot hear me, but I will make an effort to speak as loudly as possible.

I was speaking on education yesterday. We want to know something about Government's policy with reference to taking over such schools as are overcrowded and beyond the capacity of the small Indian population. At certain centres, more especially the Indian schools at Kericho and Kakamega, Kericho being the centre of the district right up to Kisii, naturally all the children from that area come to Kericho. Likewise, Kakamega is a very big district and most of the wayside places are unhealthy, as the school has been situated at Kakamega. I think it has more than 100 pupils, and the time has come when Government should do something

[Mr. Pritam]

about these schools. What is required before Government is prepared to take over? As regards teachers, we have been told by the hon. Acting Financial Secretary that it is not possible to make any arrangements, either for European schools or Indian schools. It is necessary that leave teachers be provided, and it is no use providing one teacher for two schools; this system has a bad effect on examination results. We would like to have an assurance from the Government that the policy with reference to Indian education initiated by the recent Director, who had to retire prematurely due to illness, will be followed by the Government, because he was the only Director who really took an interest in Indian education.

I now come to Vehicle Control. Perhaps Council will be aware that, whereas on the one hand the Transport Licensing Board has been issuing licences B and C, on the other hand the Vehicle Control has been refusing to supply lorries from the military, with the natural result that there are two distinct policies, one which is followed by the Vehicle Control and the other by the Transport Licensing Board. I think it would be in the best interests of Government, as well as the people, if these two departments were combined and placed under one head, so that licences were only issued to such people as were able to get the vehicles. There are instances of Transport Licensing Board licences being issued 15 months ago and no vehicle applied long supplied, where other people applied with after and have been applied with vehicles. One naturally likes to know what the policy is and how priority is given. Are vehicles issued according to the order in which the application is made, or is it a matter for the personal wishes of the Vehicle Controller?

Coming to the Hill Report, I think this Report, although it seems to be fairly wonderful, has failed to satisfy at least the Asian Civil Service. I understand that the Kenya Asian Civil Service has submitted a comprehensive memorandum outlining their objections, and I trust that the hon. Chief Secretary will give this memorandum due attention and revive the committee which suspended its sittings because of the arrival of Mr. Hill. There are instances of certain

people who have completed a service of more than 30 years and there are others who have passed the age limit, and it is time that such officials were compulsorily retired in order to avoid dissatisfaction and stagnation.

Coming to the Medical Department, it is a fact that there is no suitable accommodation for Asians at most of the up-country hospitals, because they are generally accommodated in the native civil hospitals, and it is very seldom that they find accommodation. At Kisumu, an Asian ward was erected on the distinct understanding that a similar ward would be erected by the Government at its own expense. Although the Indian community erected one ward at their expense in 1943, they are still waiting for the Government to fulfil their promise. This particular hospital at Kisumu was sited in the wrong place. It is right in the centre of the town; with the natural result that when infectious diseases break out they are likely to spread rapidly. A recent example is of a case of smallpox which was brought to the town from somewhere and infected the whole town, with very bad results. If Government cannot provide a new hospital, it should at least provide some hospital for infectious diseases away from the town. The Indian Association at Nakuru have made a proposal to bear the cost of building an Asian hospital on a 50/50 basis. The proposal was made some 15 months ago and nothing has so far been done. The time has come when something should be done, or otherwise the Indian Association at Nakuru may not be able to carry out its commitments because of the approaching slump. The Indian population at Kericho and Nakuru is very large; I do not know if it is possible for the Government to provide some suitable hospital accommodation, but I would respectfully suggest that if nothing else can be done, sub-assistant surgeons at these two places should be provided.

I want to refer to the case of one Mr. Sarmukh Singh, who is a sub-assistant surgeon at Nakuru; I understand that he has been in the service for quite a long time and has had no promotion for a number of years. According to a recent order, this man is to remain as a sub-order, whereas formerly he was an assistant surgeon, whereas formerly he could be promoted to senior assistant

[Mr. Pritam] Agricultural Production and Settlement Board naturally provides for the requirements of the non-native farming population. It came into being sometime in 1943. I have extracted these figures from the Financial Report of 1943; they appear on page 29. The cost of the administration of this Board was estimated at £11,180, and actual expenditure came to £22,354. Machinery Pool was estimated to cost £22,030, and in fact it cost £47,406. Grants for breaking land were estimated to cost £25,000, and in fact they cost £72,532. Guarantees to farmers were estimated very liberally at £40,000, but the actual expenditure was only £6,472. Expenditure to be incurred on the locust campaign was put at the substantial figure of £68,249. Subsidy for fertilizers, for which there was no provision, cost £14,909. I now want to refer to the Financial Report for 1944. The cost of the Agricultural Production and Settlement Board was estimated at £28,733, and the actual expenditure was £39,414. In other words, more than £10,681 over the estimate. Sotik transport subsidy was estimated at somewhere over £5,000, and the actual cost was £2,056, so there was a saving no doubt of £2,943. Grants for breaking land were estimated at £40,000, but the actual cost to the taxpayer was £59,057. Subsidy for fertilizers, which was put at £35,000, I am glad to say expenditure was only £9,687. Guarantees to farmers was estimated at £10,000, and actual expenditure was very near the same figure, £9,687. Another innovation came into being then. That was a subsidy for non-native maize acreages. That was £41,842. The locust campaign in that year cost the taxpayer £81,750. (A MEXAN: The non-native taxpayer.) Yes, I am sorry. It will benefit the Indians if they keep the locusts out. So the total expenditure was estimated at £156,933, and actual expenditure for this marvellous vote was £263,668.

Page 158, Item 27, vote for Commodity Distribution Board. Last year it was £75,443, whereas it has been reduced to £50,000 for 1946. I think it is really on the high side and it is time it was reduced by half. Under Item 22 on the same page a sum of £100 is provided for censorship. I was under the impression that censorship had been abolished once and for all, and I should like to know what this amount is for.

Coming to the budget proper, I personally think the revenue is estimated very generously, and I wonder if there is any justification for it. The circumstances under which we have had very good revenue in the past few years are fast changing. Our revenue was high because of the presence of a large body of troops and because of the construction of defence works. These two things are fast disappearing, the troops are being demobilized and no more defence works are being constructed. The circulation of money naturally becomes more scarce day by day and one would like to know the reason why the revenue in this budget has gone up, and likewise expenditure. Whereas expenditure no doubt cannot possibly be reduced (I do sometimes see special warrants sanctioning expenditure), it is seldom that revenue is exceeded. No doubt it has been exceeded in the past, but these circumstances have now changed, and I would not be surprised if we found ourselves in a full slump in two years' time. Therefore I should like the Standing Finance Committee to go into this expenditure very carefully.

I was expecting to hear some sharp criticism from the leader of the European unofficial members, but to my great astonishment not a word has been said about the great waste which is going on, and which has been going on for so many years under the head Agricultural Production and Settlement Board. This

Agricultural Production and Settlement Board naturally provides for the requirements of the non-native farming population. It came into being sometime in 1943. I have extracted these figures from the Financial Report of 1943; they appear on page 29. The cost of the administration of this Board was estimated at £11,180, and actual expenditure came to £22,354. Machinery Pool was estimated to cost £22,030, and in fact it cost £47,406. Grants for breaking land were estimated to cost £25,000, and in fact they cost £72,532. Guarantees to farmers were estimated very liberally at £40,000, but the actual expenditure was only £6,472. Expenditure to be incurred on the locust campaign was put at the substantial figure of £68,249. Subsidy for fertilizers, for which there was no provision, cost £14,909. I now want to refer to the Financial Report for 1944. The cost of the Agricultural Production and Settlement Board was estimated at £28,733, and the actual expenditure was £39,414. In other words, more than £10,681 over the estimate. Sotik transport subsidy was estimated at somewhere over £5,000, and the actual cost was £2,056, so there was a saving no doubt of £2,943. Grants for breaking land were estimated at £40,000, but the actual cost to the taxpayer was £59,057. Subsidy for fertilizers, which was put at £35,000, I am glad to say expenditure was only £9,687. Guarantees to farmers was estimated at £10,000, and actual expenditure was very near the same figure, £9,687. Another innovation came into being then. That was a subsidy for non-native maize acreages. That was £41,842. The locust campaign in that year cost the taxpayer £81,750. (A MEXAN: The non-native taxpayer.) Yes, I am sorry. It will benefit the Indians if they keep the locusts out. So the total expenditure was estimated at £156,933, and actual expenditure for this marvellous vote was £263,668.

This is as far as 1944 was concerned. We have not got the figures of the 1945 actual expenditure, but just to convey an idea of how it is multiplying year by year I will give you comparative figures for 1944 and 1945. In 1944 expenditure was £28,733. In 1945 it was budgeted at £34,682. I do not know the actual expenditure as yet. Machinery Pool: There was a reduction on that. Sotik subsidy was put at £2,500. Breaking grants were

[Mr. Pritam] increased by £10,000. In 1944 they were put at £40,000, and in 1945 at £50,000. Guarantees to farmers remained stationary. Subsidy for non-native maize acreage increased from £41,842 to £50,000. As far as 1946 is concerned, the estimated figure for Sotik subsidy is £2,500. Breaking grants came to the fairly large sum of £9,000. Subsidy for fertilizers still persists at £15,000. Guarantees to farmers is put at £30,000, and subsidy for non-native maize acreages at £55,000. I really wonder, when we have on the one hand guaranteed prices for wheat and maize—at the very reasonable figure of Sh. 13 for maize and Sh. 27/50 for wheat—how the country can support the spoon-feeding of the farmers of this country. If the prices are worked out to include these indirect payments and administrative charges they are sure to go up easily by 33 per cent, if not more. It would be all very well if all the production of the country was used in the country, but that is our position when we export 107 We may be able to export wheat at Sh. 27/50, but what about the cost of all these other things I have spoken about? We could not export it at, say, Sh. 50 or Sh. 60. The time has come when we should call a halt to this practice of making a gift of the taxpayer's money to one section of the community. It is absolutely essential that the farmer should be paid suitably and remunerative prices for his produce, but surely it is expecting too much that, apart from guaranteed prices, we should make them a gift every year of some-where in the neighbourhood of £150,000.

Having given you some idea of this expenditure, then there are some other fancy schemes sponsored by the amateur agricultural department, and in this particular matter I refer to the Taveta and Ziwanj schemes. The expenditure on these schemes has been transferred from one head to another, and the ordinary man, unless he dips deeply into his document, does not know where he is. Anyway I have been able to find something on page 29 of the 1943 Financial Report. You will notice that the expenditure on Taveta was £128, and for Ziwanj £2,052. In the 1944 report, page 30, you will find that the actual expenditure has gone up for Ziwanj £31,021 and for Taveta £16,714, and I would invite the

special attention of Council to the revenue figures. Revenue was expected to amount to £7,000 for Ziwanj and the actual realization was £2,076. For Taveta it was estimated at £500 and it resulted in only £7. With regard to these products the revenue from these products has been very ably estimated. Perhaps someone could tell us if it has been realized. Revenue for these products was estimated combined at the very generous figure of £41,500, and against that we have to spend £46,509. The year is not fully out, and in the Schedule of Additional Provision No. 3 of 1945, which is presumably up to the 30th September, we find that £2,435 for Taveta and £720 for Ziwanj are required. So you can just imagine whether we are going to let these establishments remain indefinitely. For 1946 there is no estimated revenue, but there is expenditure under War Expenditure, Civil, of £32,481.

So I do put it to Council that these projects seem to be fairly ambitious, but if they do not pay their way, what is the use of carrying them on? No doubt it is one's money, but it is the taxpayer's money, because somebody has to pay for it, and this money is simply being frittered away. Then there is the famous Masai wheat scheme about which we have heard so much from the B.E.C., first that there were 100,000 acres, then 10,000 acres, and lastly only 1,000 acres. I refer to page 17 of the Financial Report for 1945. The actual revenue was £6,729, against an expenditure of £15,379; that is fair 1943, so I should say we have done fairly well. Let us go to 1944. The actual expenditure was estimated at £13,200, they spent only £8,365, and had an income of £296. As for 1945: the income is budgeted at £14,000 and the expenditure at £10,000. I do not know what the position is to-day. As for 1946, we are again budgeting for £7,200 expenditure with no corresponding income. I should like to know if the scheme has been abandoned, and the land being returned. Having given these figures, naturally when we are told that there are so many things that money is not available for this and that, and we have been told that the money position is so very precarious that none can be found for European education and likewise for Indians—who are said to be multiplying like locusts—at the same time money can be found for

[Mr. Pritam] this amateur Agricultural Department. It has had a fairly good run for so many years, and no doubt at one time there was a necessity for it, but I wonder, if a business man gave this sort of return, whether his employers would keep him in his position? On the other hand, we got very good reports when the same gentleman was on this side of Council. He was a very trenchant critic of Government, saying that they simply frittered away the country's assets, and I say with the greatest possible regret that anyone who goes into the Government machine becomes part and parcel of it and becomes exactly the same, and I am able to establish this by facts.

No doubt, sir, you are reorganizing the Government machine, but with all due respect what we in this country want is something which will produce the wealth, not consume the wealth. Any department which does that costs the country a lot. This is not like South Africa, where there are immense mineral resources. It is not Rhodesia either, and it is not India, where there are teeming millions and no one cares. We want this Government to be on a high level, but can we pay for it? If we can, we welcome it, but, like India, I do not think that in this country we should try to imitate anyone. I will not say anything more on this vexed subject, but while on the wartime organizations I should like to know something about Government's policy in respect of the East African Industrial Management Board, which has cost the taxpayers quite a good bit of money. I want to know something about it. Is it going to be permanent? Has Government made a change in its policy? It is understood that Government will never undertake trading. Prices are fairly high even now, and I think if we sold out we could easily get the money we have put into this concern, and if we wait another year, as we were told some time back by the Financial Secretary that it would take two years to wind up affairs, I am afraid that, however successful it may be, we shall not get back the money we have put into it. We really depend on reports from interested parties, but I have yet to meet a gentleman who will sign his own death warrant, for he does not want to leave a cushy job, but to stick to it as long as he can. It is time a committee was formed to go into this question, and not

leave it to one gentleman who is the only individual benefiting by it.

Now I come to something which purely concerns the Indians. The Masai Reserve is part and parcel of my constituency. It is bound to be a closed district, but at the same time another district in my constituency is Kamasia, also a closed district. Indians who are born and bred there, if they leave the Masai district and want to go back, are given some sort of licence expiring in 90 days' time. My instructions are that something should be done, and that the very, very old law under which licences to enter are required, a law which I understand is dated 1902, when most of us were not in this country when it came into being, should be repealed. This particular law has outlived its usefulness. It was made under special circumstances, which have now changed, for at that time there were Germans next door to us; there are none now. Before a licence to enter is cancelled, the matter should go before your good self, as Governor in Council, because the present system whereby a licence can be cancelled by a district commissioner at his own will is too much of a joke, and some people who have spent a long life in that particular area are being denied admission into it, so that they do not know where to go or what to do. There is only one particular community concerned—the Sikhs are the only people trading in the Masai. I would not live among them at any cost, but the Sikhs are just as good as the Masai and live among them, only in the end to have this sort of thing happening. I would ask Your Excellency to have something done about this matter.

I am really taking up too much of the time of Council, but I shall soon conclude. I have spoken about the police. I know that it is quite a long time before one can move the Government machinery, which generally moves at a snail's pace, but instructions should be issued that people should not be taken into custody because they have incurred the displeasure of some police officer, whether Asian, African, or European. I could give a number of instances. People have been taken into custody, bail refused, and the following morning they were allowed to go. That is too much, and if such a thing happened in England that man would have to face some sort

[Mr. Pritam] and we have tolerated these things for too long and the time has come when they should be changed.

With those few words I support the motion.

Mr. VASEY (Nairobi North): Your Excellency, most of the speeches in this debate, the first I have had the honour of listening to in this Council, have dealt as I presume is natural, with the agricultural view of the budget. That, of course, does not apply to the hon. member Mr. Pritam, who apparently dealt with the commercial view of agriculture. For my part I can only turn to this budget from the point of view of the town-dweller, from the point of view of the commercial community, and the large number of people whom I have the honour to represent who are in that grade of living which ranges from £250 to £650 per annum. Shortly after my election to this Council I was attending a meeting at which we were addressed by a speaker who kept on stressing that, having arrived in this Colony in 1939, he was a "new boy". On my right I had my hon. friend the Member for Klambu, and I friend her a note saying that if he, having come in in 1939 was a new boy, "may I, having come in 1936, now be said to be coming of age?" In that rather blunt but kindly and direct manner of hers she passed back a note in which she said "No, you are just going to pre-school". And as I listened to the speech of the hon. Acting Financial Secretary I became more and more convinced that she was accurate in her diagnosis, because I felt that he was a kindly teacher addressing his pupils, permitting a period of time in which to ask questions, but feeling, and indicating, that he would be rather hurt (a) if their questions were rather pertinent, and (b) if they doubted the wisdom of his conclusions.

His speech also reminded me of an Irish wake, with himself as chief mourner, because he came to bury the hopes of hon. members on this side and, I suspect, the heads of some of the hon. members on his own side. Admittedly he did it without song, because I suppose that would be a breach of the privileges of this Council, but he did it with a certain amount of levity and, knowing my hon. friend, I think he also did it with a

feeling in his own heart that some of the corpses would be resurrected.

He said that he, the Acting Financial Secretary, was responsible for the omissions we should find in the estimates of various departments and that hon. members must attack him and not the heads of departments. I found that a very disturbing and worrying statement, and I would like it clarified. Am I to understand that the procedure that was adopted was that heads of departments submitted estimates to the Acting Financial Secretary and that he deleted items from those estimates without reference to the heads of departments and that, actually, the estimates included under the various heads are therefore not actually the opinions of the heads of departments as to what items should be included in this year's budget, but that they reflect, indeed, the full conclusions and decisions of the hon. member? Under the system under which we live we have to accept finance, unfortunately, as the limiting factor, that we have to accept; but I for one would never be prepared to accept the suggestion that finance should be the directing factor of a policy.

I would like to be assured that the procedure that was followed was that the hon. Acting Financial Secretary, having received estimates from a department, sent them back to the head of the department saying: "You have so much money to spend, and within the limits of that money what items do you choose for your next year's development?" I should like to be assured that that at the minimum was the procedure, and even then I contend in actual fact it would be wrong, because it would mean the hon. member had judged how the money available from the revenue for 1946 was to be distributed among the various departments of Government and not that Government itself had decided that, because there is little doubt that the Standing Finance Committee cannot start right at the very beginning of a budget and cannot attempt to allot money in proportion to departments, and then send it back to those departments and say how that money should be spent.

So I would like a clarification of that sentence, because I find it extremely disturbing. I would like a simple answer to this question: "Do the estimates represent the opinions of the heads of depart-



(Mr. Vasey) Do the items included in Public Works Extraordinary, the Education Department, Medical Department, do these items represent the opinions of the heads of departments as to the best items on which the money available should be spent during 1946, or do they not? If they do, then the responsibility lies on the heads of departments, and obviously it is heads of departments who should be attacked for omissions.

I was very glad that it was found possible to give some relief to the taxpayers. Because of that, I welcome the waiving of the excess profits tax. But I should not be honest if I did not express my deep regret that the entire relief in this budget has been given to those people who were making excess profits. I am extremely sorry that Government has not found it possible to grant partial relief to excess profits and partial relief to the lower grade salaries between £250 and £450 or £500. These are the people on whom the cost of living weighs heavy, those are the people on whom I think too few members realize the extreme pressure which even under conditions to-day exist when they have two or three children to educate, to clothe and feed, and to keep themselves at the standard of living which we demand that Europeans shall observe in this country. I am surprised that not one of my hon. Indian friends have raised that question. I recognize that it is probably convenient that the excess profits tax shall be wound up as quickly as possible, and that Government shall know exactly the liability it must incur under this head. That I realize, and I think it would have been better to have faced a little extra liability and given a little extra relief to the smaller taxpayers.

One plea I would put in here, that when the winding up of the excess profits tax is in process, I would put in a plea for generous treatment to the professional men of this country. A professional man is not of the same status as a business and commercial man. If one has a business, as I think most hon. members probably have, and if one leaves that business as clerks, managers and heads of departments to carry on that business for you and earn money, and what you are consuming is at any rate your own capital, something which can be replaced by your own effort, but with the pro-

fessional man, in particular with the doctor, who though during the years of prosperity has earned more money, it is because he was worked harder, longer hours, and because he has consumed that thing which cannot be replaced, his own life. I feel that the same thing, not to the same degree, applies to the legal profession. (Laughter.) Yes, I wonder how many agriculturists realize that when a lawyer reaches the end of his days very few have got sufficient money to live back as it were, in agricultural comfort? (Laughter.)

I would welcome too, the decision to appoint an Economic and Commercial Adviser. I listened with particular interest to your statement, sir, which I took to mean that it will be the first step towards the establishment of a Board for Commerce and Industry. This is something which Nairobi Chamber of Commerce in particular has pressed for very hard, and I think it would be a very good thing if we had a Member for Commerce and Industry so that the same care and encouragement and attention could be given to the commercial and industrial problems of this country as the Agricultural Production and Settlement Board has given to agriculture. I am not suggesting to the hon. member Mr. Pritam that the same amount of financial encouragement should be given too, but I suggest that it is important that any commerce and industry we can develop in this country should have every encouragement it is possible to give them. I say that in particular because, studying the Estimates, I think one must reach the conclusion that agriculture is very nearly at the limit of its taxable capacity, and that if these big schemes which all of us have at heart for education, social services, and the development and betterment of the people of this Colony, if these schemes are to be carried out, I believe we have got to develop commerce and industry in the hope that from them Government can draw revenue. (Hear, hear.)

For that reason I should like to see what little export trade we can have in this country developed and rid of restrictions. It may be limited on the industrial side, but what little there is will be extremely valuable I believe to our budget, and I should like to see it rid of present restrictions. Those restrictions

(Mr. Vasey) I think probably imposed by the home Government, by such bodies as the Ministry of Supply. While one recognizes that, during wartime, those restrictions must apply, I think at a time when South Africa, Southern Rhodesia, and every country that can enter the export markets is making every possible effort to get there, I think we should ask the home Government to ease these restrictions in order that our little export trade can be developed. In Southern Rhodesia—and I commend this to the hon. Acting Financial Secretary—raw materials which are being used for secondary industries are allowed in free of customs duty. Southern Rhodesia adopts what is perhaps a "good policy"; that is, when you have made a profit it taxes you good and hard, but it does not restrict or make things difficult for your industry at the beginning.

Turning to the Post Office, the hon. Acting Financial Secretary said he was not sure whether this was an instrument of taxation. The hon. Postmaster General will forgive me if I say I am sure the commercial industry thinks it is an instrument of taxation. I would suggest to him that he should forgo the cold, proud, aloofness of his predecessor and come down from the Mount Pleasant of his isolation into the ordinary commercial community, and find out what are their grievances and complaints. I can assure him that in the main, they are a most reasonable body, but they do feel that it is time has come when there should be some improvement in the postal services of the Colony, and I am sure the hon. Postmaster General will take note of that feeling.

On the question of the fiscal survey, in common with every other hon. member I would like to welcome it. I would like particularly to express the opinion that when Sir Wilfred Wood arrives he should be given every opportunity to meet representatives of bodies of commerce, agriculture, and the ordinary worker, in order that he may have the opinions of those bodies, and their knowledge of conditions in this country, in arriving at his final recommendations.

Head No. 2 of Revenue, native poll tax, Central Province, £210,000. Nairobi has a very large African population, and Nairobi Municipal Council has to bear

the burden of a great deal of African welfare, and it is obvious that the financial burden of that welfare will grow considerably. The Nairobi Municipal Council thus feels that some proportion of the money collected in Nairobi should be returned to the Nairobi Municipal Council in order that it might be devoted to the burdens of African welfare. I believe—and the hon. Acting Financial Secretary and the Chief Native Commissioner will correct me if I am wrong—that that money is taken to some extent from those funds and allocated to African welfare work in settled areas. We of the Nairobi Municipal Council do feel that we have a right to some part of that fund.

Expenditure Head 3—"Control of Kibera and Native Villages, Nairobi District". We welcome the idea of control of Kibera, but I think it was the hon. Member for the Coast who intimated that the people of Kibera would consider removal of alternative land could be found for them. I believe that that is the best and final solution. If one studies the plan of the Nairobi area it is, I think, obvious that the African cannot continue to be pushed continually to the east—and that other areas will have to be found before the problem of housing the Africans, particularly those Africans who wish to live on a higher standard than anything we can provide in the African location, can be tackled. If Kibera could be removed, the entire area from the Ngong Road to the Langata Road could be re-planned and developed, and I believe the money that could be gained from that development would more than compensate for the expense of moving Kibera. I should like to put before the hon. Chief Native Commissioner the necessity for controlling the native areas adjacent to Nairobi. It is most unjust to any local authority that it should have to any local authority the power to interfere, and without the power to interfere, several developed on the perimeter at several points such as Dagoretti Corner, hotch-potches (because we know are nothing but shanties which we know are nothing but shacks and brothels. The Nairobi Municipal Council would, I am perfectly sure, be willing to assist in anything that can be done in the planning of this area, but I hope Government will take some action to right that situation and to stop, at this stage a development which, if it is not stopped, will at a later stage either

(Mr. Vasey)

mean that we are faced with another Kibera situation at other points in the township or will mean that it can only be rectified at very great expense.

Head 8, Civil Aviation. In the *East African Standard* recently there appeared a paragraph dealing with the newly-started York service from London to Johannesburg, and in that paragraph there appeared a statement that no passages would be available for people from Kenya to London, or from London to Kenya. It seemed to me rather a remarkable statement. After all, the business of this country is as important to us as the business of South Africa is to South Africa, and the commercial community of this country has just as much right to demand that a reasonable proportion of that service shall be available for its use as for anybody else's use. When one looks at this head and sees that we do to some extent—not a very great extent, but to some extent—contribute to the cost of civil aviation, then I think Government should make some representation to ensure that a reasonable proportion of those passages are open for Kenya business men wishing to travel to and from on business interests without having to go through that tremendous formality of priorities and passages. And here I should like to say that I myself have always had the greatest assistance from the Secretariat at any time I have taken an individual case to them.

**HIS EXCELLENCY:** Would it be inconvenient to the hon. member if he interrupted his speech at this stage and adjourned for a quarter of an hour; it is the practice of Council.

*Council adjourned for the usual interval. On resuming:*

**HIS EXCELLENCY:** Before I call on the hon. member to resume his speech, I understand that there have been discussions and that hon. members are agreeable to sit to-morrow afternoon and, if necessary, the following afternoon, from 4 to, say, 6.30 p.m. There has been some delay in our business for which, I am afraid, I am responsible. We will therefore continue the debate now, but on the assumption that to-morrow afternoon we sit from 4 to 6.30 p.m. and each afternoon after that, according to how our business is progressing.

**MR. VASEY:** Your Excellency, Head

12—Education. The hon. Acting Financial Secretary said that the increase in the education vote, year by year, was, to say the least of it, most alarming. His own view—I should like to quote him—was "that the expansion of educational facilities must now be slowed because the cost was rapidly outstripping present financial capacity. If swifter progress were desired, the peoples of the Colony must be prepared to pay substantially more for their educational facilities, either in the form of increased taxation—and I say increased taxation, not simply the maintenance of wartime taxation—or heavy increases in fees charged to parents, or a combination of the two". The hon. member then went on to say that "in African education we are only touching the fringe of the problem. If we are to cope adequately with the desire for literacy, and indeed the need for literacy, among the African population, we will be led to very greatly increased figures of recurrent expenditure". And then: "Very heavy financial sacrifices would be required by all sections of the community unless—and this, to my mind, is the disturbing phrase—"unless we close down on the expansion of African education and repeal, or at least modify, the provisions for compulsory education for Europeans and Indians".

I consider that the suggestion contained in that phrase is as alarming as any increase in expenditure could be. Speaking as a representative of one section of the European community, I would oppose with all my might any suggestion of a retrograde step being taken with regard to European education; and I doubt if there is one other country in the world—certainly not in the British Empire—which at the present moment would even consider the suggestion of the abolition of compulsory education. The emphasis in other countries is the other way round; most countries are pressing for the expansion of education, and I believe that the European community would be prepared to shoulder any burden to ensure that European education is kept on the highest level. They are prepared to accept the burden of their own youth and I trust that when the hon. member Mr. Patel speaks he will say the same on behalf of the Indian community.

Now, with regard to the expansion of African education, I have had the honour

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and pleasure to serve on a number of committees with Africans—civilian and army Africans—and I have come to the conclusion that the one burden of their song, their greatest cry, is for the expansion of education. About 150 years ago one of the great French republicans said: "After bread, education is the first need of the people", and what was true 150 years ago is true to-day, and particularly is it true of the African view of education. I should like to express my own opinion that education is the inalienable right of every African under the British flag, and I should like to say that only the greatest financial stringency should be allowed to operate against the expansion of that education, for not only would it be a moral advance, but it is a moral advance from which, for our own sakes; we must not retreat; it is the development of the productive side of this country.

The hon. Acting Financial Secretary spoke about finance being devoted to productive measures. I do not believe there is any productive measure which would show greater results than education, because education will turn human beings, who at the present moment are liabilities in this country, into assets. The hon. Director of Agriculture told us that some proceedings they had sent out had fallen dead cars. Of course if I fell dead cars, it fell on illiterate cars; and illiterate cars are always dead cars; it fell on the cars of people not trained to think. I would ask hon. members of the Council to consider what would be the African reaction to any suggestion that at this critical phase in their development African education should have to face a closing down of its expansion. Believing, as I do, that it is the wish of the Europeans of this Colony to assist African progress, I should equally oppose any suggestion that we should close down on the expansion of African education. Until our population of African—by this population I mean all inhabitants of this country—our administrative services, our medical services, will have a heavier burden cast on them than need be, I would agree that we should have an inquiry into the cost of education. If necessary, let us dispense with fine buildings; I would agree that Government should review means of raising revenue

for education, but if economy is to come let it not be at the cost of retarding the development of the greatest productive asset of this country; the youth who will inhabit and eventually inherit.

Head 22, Local Government Contributions. I listened with considerable interest to the hon. member Mr. Shamsud-Deen quote at long length from the article in the magazine *Liberty*. I also would like to quote from that article. I have it in my hand. There is a beautiful photograph which says "Kenya's nerve centre".

I think that is a wonderful compliment, because for Kenya's nerve centre the building depicted is the Municipal Town Hall of Nairobi. (Laughter.) Of course, I am prepared to admit that the gentleman made a mistake, because the caption not only shows how ill-informed he was but that he really believed the Secretariat was the nerve centre! I can only say to the hon. member Mr. Shamsud-Deen that, while I admire the perspicacity of the writer, I hope he realizes he is not always as accurate as the hon. member imagines.

Local Government, I believe, is of very great value to the central Government. I believe it will be of greater value because I think that as local government expands it will assist in the working of decentralization and it will assist Government in such burdens as public health, and I believe finally education. For that reason I suggest that the hon. Acting Financial Secretary should approach these matters of local government bodies and their finances in a rather more sympathetic spirit. In the Subvention head there appears an item "Nairobi evening continuation classes, £300". Nairobi Municipal Council is not the body responsible for education, but it did believe there was an opening in Nairobi for evening continuation classes. Some time ago, Government refused to consider their continuation on any ground, and Nairobi Municipal Council stepped into the breach and kept these classes going, despite the fact, I repeat, that education is not its responsibility. Now the position has arisen where the Director of Training, Mr. Williams, and another member, actually a member of Government, actually go out a report on the part that the classes can play in the training and part training of the demobilized men. The cost is going to be something

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in the nature of £4,000 per annum, plus a few hundred pounds for capital expenditure. Nairobi Municipal Council, even with its finances in the stringent position they are, has agreed unhesitatingly to cover half the cost of that experiment so dear to the heart of the Director of Training. You can imagine our surprise when Government, whose real responsibility it is, sent back and told us they were willing to contribute half the principal's cost and half the part-time tutors' fees, but apparently nothing for the rest of the expenditure. In the opinion of the Director of Training it is an urgent matter, and that is why we of the Council acted so promptly. I understand the position has arisen the delay means that he has already lost the very excellent principal whom he could have secured, and I would ask that something in the nature of prompt action should be undertaken to remedy that position.

The hon. Acting Financial Secretary also said that he hoped that the expenditure on medical services would be more and more devoted to the preventive side. I agree with him. Dr. Paterson, when he was Director of Medical Services, also agreed with him. He agreed with him so much that at one time he came to Nairobi Municipal Council and said, quite rightly, "If you do not take measures to develop your anti-yellow fever campaign I shall have to do something about it." We did so, we took measures, and in 1946 our budget for our anti-malarial and yellow fever measures will be in the nature of £48,000 out of a public health vote of £48,000.

District councils have been saddled with the responsibility of roads. I think it is common knowledge that they are extremely dissatisfied with the amount of the basic road grants. What the hon. member Archbishop Bescher said about local native councils and their need for assistance in revenue applies equally to local government authorities and to district councils. The position at the present moment, as I see it, is that Government has a two-sided policy—local governments get every encouragement they can receive from the Commissioner of Local Government and the Director of Medical Services to take over responsibilities and to develop services, but when it comes to

approaching the Financial Secretary they have to take their coat off and fight as if they are getting money not for these purposes and services in which they are assisting Government, but for some purpose of their own. I believe that two-sided policy is a mistake. I believe that the development of local government in this country will prove beneficial not only to the people but to Government itself in that it will assist in decentralization, and I do suggest to the hon. Acting Financial Secretary and to Government that the financial treatment handed out to local government bodies should be, to say the least, generous.

Here, before I pass on to my next head, I would like to pay a tribute to the hon. Commissioner for Local Government, and say that I think there was not one local government body in this country which did not welcome with tremendous pleasure the news that he was to be the Member for Health and Local Government. (Hear, hear.)

Head 29. In the memorandum on the Draft Estimates, paragraph 135, there appears a very remarkable statement. It says: "The Government is satisfied that a substantial increase in the Police Force is necessary to ensure the preservation of law and order throughout the Colony. Budgetary considerations do not warrant any greater increase than that reflected in the Draft Estimates". What does that mean in plain, ordinary language? It means that Government knows that law and order is not being fully enforced in this country to-day. It knows that a substantial increase in personnel is essential to maintain law and order. But it says: "Because we do not think we can find the money we are not going to undertake the necessary increase". That, sir, is a blunt statement, I believe, of what these words "budgetary considerations" mean. I would like to ask the hon. and learned Attorney General—whether he and the Commissioner of Police are satisfied with that paragraph, whether they are satisfied with the reasoning, because I can assure them that the people of Nairobi are not, and I think I am correct in saying that neither are the people up-country. The annual report of the Kenya Police for 1930, not 1945, contains some very interesting paragraphs, 1930: "Crime in Nairobi. Grave crime may in fact be considered to have been brought down to a

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comparatively negligible level in the capital. Much of the crime prevention system is attributable to the special activities of police patrolling at night and during week-ends and holidays, combined with checking of patrols carried out in Nairobi." That is very satisfactory. "Housebreaking and burglary in Nairobi. 52 cases only were reported in the whole of the Nairobi district, the lowest figure attained for many years. In 1925 the total was 261. Of the 52 cases, 19 were brought to court and 17 convictions obtained. The figure for theft was 367 cases reported, 296 cases of theft were brought to court and 258 convictions were entered." That is very satisfactory in 1930. "Property stolen in Nairobi during 1930 was Sh. 39,955. Of that the police recovered Sh. 22,374, or nearly 56 per cent of the stolen property."

I wonder if the annual report of the police for 1945 will be able to report any such satisfactory position, either in the decrease of crime or in the percentage of thieves caught or in the percentage of convictions obtained? I know the position in Nairobi, whatever any report may say, is bad. There are hundreds of minor thefts which to-day are not reported because of the hopeless feeling about the law in Nairobi. (Hear, hear.) Recently, discussing this matter with a very high police official, I was told, "Your windows or shop windows in the town are not shuttered". That is not my opinion, nor is it, I believe, the opinion of the majority of people in Nairobi, of the attitude there should be towards law and order. My idea of law and order is the position at home, where one could walk away and probably forget to lock one's door and still know that one was safe against any theft or burglary taking place. This is bringing home, I think, a twofold danger. It is not only developing the contempt of the lawbreaker for the law, but it is developing a situation, where people, irrespective of the law, are going to begin to defend themselves, and that is an extremely dangerous development. I know that we shall be told that we have passed through war years. I know we shall be told that history shows that during and after every war crime increases. It is because we have studied history and know that position that we are so apprehensive of the future.

If I may deal for a few moments with Nairobi itself, Nairobi has an area of 32½ square miles, and I would ask the Member for Law and Order that he should remember that, it is not the number of the population, it is the area the police have to cover. We were given figures in December, 1944, which said the European establishment in this town then was 22. Those 22 European policemen had to cover, they had out of 24 in square miles 24 hours a day out of 24 in addition to doing traffic control and court prosecution work, in addition to preparing cases. We were told then when the figures were given us by the Commissioner of Police that the proposed establishment which he considered the minimum for dealing with law and order in Nairobi was 41 covering all duties, two of whom should be stationed at Karen, and the police stations at Muthaiga, Kilimani and Eastleigh were to have two Europeans each. Well, sir, one only has to work out the hours those men would be expected to work, one only has to realize that they would live as European policemen live to-day—in a state of never knowing when they would be called out, and not being able to go to a friend's house without leaving a telephone message, and having the feeling that day in and day out, night in and night out, that they were constantly on duty, and you would realize that the efficiency of these men drops very rapidly after a few years of that type of service. I have a number of friends in the Police Force, and having talked to them during the past six or eight months I am struck by one particular thing, that the older men of the Force, men who are valuable in experience, who will be invaluable for the Africans during the next few years, these men, who are young enough to stay in and give a few years more good service their whole burden is: "I have two years more before I retire", their desire is to leave. That, I think, analyzes the dissatisfaction in the police more than anything I can give in the way of verbiage. The proposed increase in Nairobi between December, 1944, and the right establishment, according to the Commissioner of Police, was 19; his own statement, the minimum. The Draft Estimates seem to be somewhat different to my arithmetic and that of other hon. members, but according to my working of the Draft Estimates show an increase of

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22 Europeans. Does that mean that 19 of them are coming to Nairobi? Because, if so, I should like to express the pleasure that Nairobi feels and anticipate the rude remarks which the hon. Member for Uasin Gishu is going to make!

I do not believe that a great number of the African constables in the townships have reached the stage where they can be responsible for the maintenance of law and order, and I believe that one of the mistakes being made in the Police Force at the present moment is the refusal to dispense with that idea. Undoubtedly he will reach it, he will reach it by European tutorage, by European leadership, as the best of our African army *awake* reached it until they themselves developed a sense of responsibility. But I do not believe that as yet they have reached that stage. We know from experience that many African constables cannot give evidence. A constable who cannot give evidence is not very much use in the question of crime. I do not believe that the average African understands the trust and responsibility which he takes over when he assumes that position of constable and policeman, and to show that that is not only my own opinion and that of other Europeans, let me quote from the minutes of the Nairobi African Advisory Council statements made by responsible Africans of that body during the past 12 months: "They (the African Advisory Council) complained that constables were often bribed to keep quiet about what they saw." "They (in this case three-card tricksters) committed their offences quite openly and received no attention from the African police, whom they apparently bribed." I have quoted two cases only. An investigation of the minutes of the African Advisory Council will show other statements of the same kind, and it is a clear indication, I believe, that there is ground for my opinion, and that it is supported by African opinion that the African constable is not as yet capable of being an instrument for the prevention of crime in townships. I was talking to a very educated African the other day, who said he thought the standard of African inspectors was good, that if we could get Africans at that level then the Africans could maintain law and order. I think there was a great deal of truth in this

remark: he said that so long as an African constable was chosen purely on his physique he would not be able to deal with the crime of Nairobi, and I believe that is sound.

Another thing which Nairobi Municipal Council wishes to stress is the need for continuity in the police service. In Britain, your chief constable of a district or borough serves almost a lifetime: in one town or in one district, your constable is the same. He knows every street, he knows every house, he knows practically every person. But that does not happen in this town, and it is that lack of continuity of service which has driven the Nairobi Municipal Council to ask for a municipal police force. I recognize the difficulties, but I do contend that until we get continuity in the districts, until the members of the Force know their area as well as the back of their hand, they are handicapped. I believe I am right in saying that in Nairobi in the past seven years we have had five changes of superintendent. I do not care how efficient, how clever, that superintendent is, he is placed in a position when he cannot give of his best and deal with serious crime. We believe that we must have a sufficient number of European personnel. I know there are quite a number of members of the Police Force who think the same, that the proportion should at any rate be one European to 20 Africans during the days of tutorage and even if afterwards the ratio can be lengthened in favour of the African. That is all I would like to say to the hon. and learned Attorney General.

I have said that education was one basic factor in the development of the Colony. I think the maintenance of law and order is equally a basic factor, but I would say that that contempt for law and order which occurs in the towns will seep to the country districts and native reserves in ever growing volume. If there is no building up in the African, the Asian and the European community of a respect for law and order, that respect which is at present lacking, then I think the Administration will find itself involved more and more in expensive measures to repress lawlessness which will rock any development to its foundations. I think the hon. Attorney General has a very great burden in his

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position as Member for Law and Order. He has to adjust the European law to local standards of mentality and understanding, and to see that the Police Force is satisfied, and that is important. He has to see that, once the law is established, it is maintained. He has to see that there grows up in this country, as in our home country, Britain, the traditional respect for law and order. I trust he will let no such sentence as "budgetary considerations" stand in the way of that most important need.

Head 43—War Expenditure, Civil—Item 17—"Expenses of Rubber Collection". I should like to ask the Member for Agriculture whether that rubber collection is to be continued in 1946 and whether there is a possibility of the removal of that item of expenditure.

Head 43, Item—Savings Bank Van Services. I should like to see this lifted from this War Expenditure, Civil, head and put into Post Office expenditure. The savings bank van services were introduced, I think, mainly as an anti-inflation measure, as a system of propaganda to draw money from the reserves. I think that they have helped a great deal in teaching the African thrift in certain areas, but I would suggest that their success is not to be judged by the amount of money that is put into these savings bank vans every month. I suggest it should be judged by the number of accounts opened and the very few accounts closed, because every one of these accounts opened means that some African in the reserves has been started upon the path of thrift and the realization of the value of saving, and I am afraid, seeing it under this head, that when it is judged that the war is ended, or when the inflation period of plenty of money to spend is passed, we shall see this extremely useful service closed down. I would suggest, therefore, that it is changed to where I believe it should be sent to, and that is as a legitimate charge against the Savings Bank vote.

Head 43, Item 24—Information Office. Here I should like to say that I have assisted in a voluntary capacity in that office for some years. This is the first time I have had the opportunity to pay a tribute to the officer who was in charge

of that office—Mr. Eric Davies—and I should like to pay this tribute to him, because I imagine that very few officers had a more distasteful and difficult task, and very few officers could have discharged it with more conscientiousness and more faithfulness to duty. Drawing information from heads of Government departments in the past was a somewhat painful process. I trust that the arrival of Your Excellency will see that that day of painful extraction is passed. (Mr. COULDERY: Optimist!)

I should like to suggest, and I know quite a number of people in the Information Office are of the same opinion, that the Indian and European sections should now be abandoned, and that they should concentrate completely on the African section. I think that that African section is important because we shall have to tell the Africans, we shall have to explain to the African, not once but many many times, things that are going to happen if he is not to resent the hard measures which will have to be applied, in order to see that his land is restored to the fertility he would wish. I should like to suggest, because I think it is essential from the point of view of propaganda, the retention of the mobile cinema unit and the photographic section. In England the Prime Minister of Great Britain, Mr. Attlee, has recently engaged an Adviser on Public Relations who is now attached to No. 10, Downing Street. I trust that Government will consider a similar appointment attached, if possible, to the Secretariat. I believe it would be very unwise if Government fell again into the habit of forgetting to tell the public not only what it is doing, but what it is thinking of doing, so that the public has time to pass comment. I would suggest the importation of a trained journalist, because I think that it must be someone who knows the country, and I believe that a local man could be found, but if such an appointment is to be made, as it is to some extent foreshadowed in the Information Office vote, I trust that it will not be in a subordinate capacity and that he will not have to go to heads of departments hat in hand, as the Information Officer had to do so often in the past, and say "Please tell me this", or to see when a memorandum is drawn up for publicity the only vital sentence deleted because the public must not be told that

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Now Controls. I know in this country there is a feeling of general irritation about Controls. I believe some Controls are going to be necessary in order to prevent things going completely wrong, but, having served on several control bodies, I think there is a very grave danger. They either get into a restrictive frame of mind, which means they approach every application from the point of view of "how can we turn this down?" or they get into the mood of expansion where, having covered the field for which they were originally instituted, they find themselves looking round for further fields of activity. I believe that the majority of our Controls have at the present moment arrived at one of those two states.

With regard to Imports Control, I think it is of prime importance that those restrictive measures should be narrowed down as far as possible. I think everybody recognizes that Imports Control will have to be maintained in part, but I do hope that the suggestion contained in Your Excellency's communication from the chair that perhaps we can get freedom in the sterling area will be followed up, so that we can see well the sterling area as a free flow of trade to this country, because that is the quickest way to combat the black market. It is better than any investigation on the question of price control. I think the Price Control is generally admitted to have succeeded in this country during wartime. It has kept prices down to a reasonable level; it has been a defence measure for the ordinary man—the low-scale wage earner; it has been a defence measure against the flood which the rise in the cost of living would have thrown upon them; but I think the time has arrived for review. I should like to quote one example.

Quite recently the Price Control issued their third schedule of electrical goods. Two European firms came to see me and gave me the facts of their business, and pointed out that under this schedule they were being "compelled to sell their slow-moving goods at bargain prices". It may be a slight exaggeration, but phrase, but the fact is that the changes brought about by that schedule did throw a very heavy burden upon them and it did mean that their margin of profit was kept so low

that it did not pay them to keep their stocks at a reasonably high level. That schedule changed the previous basis of price fixation, which after all had been good enough to see the trade right through the war years; which had been good enough to see that the ordinary man did not pay too high a price for an electrical switch or for a press button. Why, in heaven's name, when hostilities have ceased should it be necessary to interfere more with business? I suggest that that is indicative of the mood of expansion, and I believe the Price Control should narrow its activities down now to essential things, such as food; those things where it does perform a useful duty as a barrier against the cost of living overwhelming the ordinary man, and to the investigation of the black market which exists in those particular groups.

Before leaving the question of Price Control, I should like to ask two questions which the hon. Acting Financial Secretary will perhaps answer: Is there any truth in the rumour that the Price Control is engaging its new officers on two or three-year contracts? That has been suggested several times, and I think it would be a useful thing if it could be confirmed or denied officially in this Council. The other point (and I hate to deal with personalities), but can the hon. Acting Financial Secretary tell me why the Price Controller's salary last year was £1,050 and this year it is £1,500—very nearly a 50 per cent increase. I notice against it the little magic letter "A" which means "revised scale of salary". Well, it is some revision—50 per cent! I should like to know if his duties are so expanded that between 1945 and 1946 his salary has to be increased by £450. It may be possible the Acting Financial Secretary has some good excuse; I am only asking so that we may know why.

Commodity Distribution Board: Here again I would say at the outset that, although I disagree with the retention, as it were, of rationing "in embryo", I do recognize that one must accept the statement of those people who would be held responsible were there inequitable distribution of food and a food shortage occurred, but I do believe that this Commodity Distribution Board is in need of a drastic revision of its organization. For

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some time I acted as vice-chairman of the Nairobi Regional Board, and during the time I was vice-chairman I went into the office to find a reorganization taking place. When I inquired why the reorganization had taken place without the Nairobi Board being consulted I was politely told that it was none of my business, it was the business of the central authority only, but I was also assured that that reorganization was to save staff. Investigation proved to me, however, that it led to the engagement of another six clerks, admittedly on a theoretically temporary basis, but I should like to know if they have been discharged since then because it does not look like it. Another example of the organization in the side that Board was the bright idea suddenly produced that the word "Nairobi" should be stamped across some several thousands of coupons. The then Executive Officer of the Nairobi Regional Distribution Board, Mr. Copping, protested against this and came to see me as vice-chairman. I took the case up on Mr. Copping's point, saying that the stamping would involve 80 man power days and that we were physically incapable of doing it in the time left at our disposal. The idea was withdrawn, but Mr. Copping has since left the service. I do not want any investigation by anyone inside the Commodity Distribution Board. I asked that Mr. Watson should be brought from the Audit Office to investigate that system because I was so dissatisfied, and I do ask that somebody from outside should be brought in to investigate the office and its distribution system.

Head 43, Item 29—£30,000. Sugar Subsidy: I should like to know if it is necessary to continue this subsidy. What effect would that £30,000 withdrawal of subsidy have on the price of sugar to the consumer?

Now I return to Head 42, Public Works Extraordinary. In common with a number of members, I thought that with the adoption of the principle that work should be given to contract we should not see any large expansion in the Public Works Department vote. I would repeat the question I asked previously here, and that is, who chooses the works for the departments within the financial

limits allowed? Do the medical buildings and the educational buildings under Head 42 represent the hon. Director of Education's or the hon. Director of Medical Services' idea of what buildings should be put up in 1946? I should like an assurance that in the case, and that they do not represent the opinion of either the Director of Public Works or the hon. Acting Financial Secretary alone. I should like to know, in common with the hon. Member for Ukamba, the principle which is applied to the choice of what buildings should come under Head 42—Public Works Extraordinary—or under Item 14 (a) of the Development and Reconstruction Authority Estimates. I am puzzled as to the difference between the African staff quarters at Maseno, which appear under Head 42, and the African staff quarters, Central Province, which appear under the Development and Reconstruction Authority, Head 14 (a). I should like to know why there has been this wholesale shifting. Unless some principle has been applied, Has it been done to hide what is recurrent expenditure in the opinion of the hon. Acting Financial Secretary, or has it been to keep recurrent expenditure down? I should like to draw the attention of members of the Standing Finance Committee to the fact that, if they really wish to reduce their recurrent expenditure, they could apply the principle that has been applied to the African staff quarters, Central Province, to quite a number of buildings under Head 42a, and reduce the recurrent expenditure without inflicting any pain on anybody at all.

This brings me to the Development and Reconstruction Authority estimates.

In England I knew a solicitor who used to send his bills in what I believe was in quite a common practice, something in this form: "To Mr. Smith—to four interviews with clients, to five journeys, to eight attendances at court, £140—44y 10s". I think the hon. and learned Attorney-General knows how common that trick is! Well, believe me, sir, looking at the Development and Reconstruction Authority estimates, I felt the same principle had been applied. I believe the principle and the idea of the two budgets is sound enough, but I think that development should be financed entirely by loans and grants. I think the British Govern-

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ment tends to-day to accept the policy of high taxation during years of prosperity so that there can be low taxation during years of depression. That policy is nothing very new or wonderful, but it has been advocated by two bodies of people so vastly different as the Trades Union Congress on the one hand and Unilever Ltd., on the other, and I should like to say something on that principle. I would like to see the Excess Profits Tax Fund and the annual budget surplus formed into a Revenue Relief Reserve Fund, so that during the years of depression, should they come, there is no need to embark upon a great programme of retrenchment and we should have a Revenue Relief Reserve Fund which could be drawn on to smooth out bad times. I believe that is the correct use for money raised annually from taxation and from money such as the Excess Profits Tax Fund, again drawn from taxation, and I believe that that should not be used for the development of assets of long life but, on the contrary, should be used as a taxation reserve smoothing fund.

I take it to be the practice of Government to build long life assets from revenue, as appears under Public Works Extraordinary. When one is prosperous that is a practice one can follow, I think, and pat ourselves on the back for very sound finance. But I am not sure whether that is a good policy always. There are many of these buildings which are put up which have a long life, and I think it is pretty hard that the present taxpayers should be compelled to pay for them in one year.

Turning to the amount of loans, the loans under D.A.R.A. are five million pounds; it is advisedly says so. I assume they could have been five or ten millions with equal accuracy. I believe that this is based on the opinion of the hon. Acting Financial Secretary and what he is likely to raise by loans issued in this Colony during the next ten years. I was sorry to hear you say, sir, that we were restricted from borrowing money in the United Kingdom; I cannot see, candidly, why we should be so restricted. We are not asking for a grant, we are asking for the right to pledge the credit of this Colony in order that it may develop and become an asset to the British nation,

and if that is the policy then I would like to protest against it. I would like to ask also whether there is any truth in the statement that we have also been refused permission to borrow in the South African market, because there again I would like to protest against it. If our credit is good, and if money is not available in the United Kingdom, I believe we should be entitled to go anywhere within the British Commonwealth for assistance and financial loans. (Hear, hear.) If this Colony is developed it will be to the good of the British market. I am worried about this from the local government point of view. If I may weary hon. members with the Nairobi Municipal Council point of view?

Here we are in this town with a population, excluding the military, of probably 100,000 people. We, Nairobi Municipal Council, have had no control over the influx of population into this town. Government-sponsored bodies such as the East African Industrial Management Board, without the permission of the Council, sometimes without the courtesy of asking even our consent and consideration, have brought factories into this town, and with them African employees. When we have suggested that they should submit their plans and that we are the planning authority, they have held that they are a Government body. When we have said to them "House your people", they have said "We are not a Government body". But whichever way it is, here are the facts. In many cases against our will, here are the African employees. Of these 100,000 people, I think it would be a fair estimate to say that 60 per cent are Africans, whose standards of wages and living do not allow them to be rate-payers. We have recently had a report from an eminent engineer, whom Your Excellency brought to the Colony. He has told us that water cannot be brought to this town except at a tremendous cost. This population has got to be provided with housing. It has got to be provided with all kinds of services. The Council is the Public Health Authority. If the people of this town are not to be faced continually with outbreaks of dysentery, malaria, and typhoid, it must carry out its public health duties, it must embark on expensive sewerage schemes, it must continue pushing forward with clinics, dispensaries and general preventive work.

[Mr. Vasey]

The estimates we have had for expenditure on a water scheme alone vary from three-quarters of a million to £4 million pounds, and that is urgent expenditure. Obviously other expenditures are for services which cannot be brought to a standstill unless a chaotic position with regard to public health is to be created in the town. That is an outline of Nairobi's needs alone. Take an outline of district council needs, an outline of the needs of a place like Mombasa, and the price connected therewith. We alone shall have to have a large loan from Government during the next five or ten years. I would like to ask the hon. Acting Financial Secretary and Government for a statement of their attitude towards these local government loans, remembering all the time that on the development of local government will depend, as it has in Britain, a great deal of the decentralization of public health and other services. Sir, I hope that my suggestion with regard to a revenue relief reserve fund will not be forgotten.

Finally, I have a tremendous faith in the future of this Colony. I believe that this Colony has a great future, but I do feel that this budget places it at the cross roads, and having listened to members on both sides of Council I believe there are two roads ahead of us. We can take one road which will lead us through momentary brightness, a momentary brightness of reduced taxation which will lead us on to the gloom of incomplete development and eventually into the darkness of the realization of missed opportunities. The other road will be more tortuous and difficult. We shall stumble over many boulders until our feet are set firmly on the road to good stability and progress, and although in the beginning the road will be difficult, in the end it will prove to be the better and more satisfactory road. It will be difficult because it will mean little hope of reduced taxation for years to come. Recently, the Prime Minister of Great Britain addressed the Congress of the United States of America, and he said this: "We are facing the future with courage and determination to win through. We have not stood up to our enemies for six years to be beaten by economics." That is the spirit in which we must approach this budget and the

financial problems of the next ten years. I believe the section of the European community which I represent will accept that policy of courage, and will reject the policy of fear and despair. It will accept, I believe, the burden provided that these three things are fulfilled: one, that Government will act with authority, without fear and favour; two, that expenditure is carefully watched and money wisely spent; three, that the burden shall be shared equitably among all the peoples of the Colony who benefit by the general progress. If, those conditions are observed, if the burden is fairly shared according to one's ability to pay, I am sure the European community will not flinch from the future.

In conclusion, I should like to thank the hon. members of this Council for the patient and courteous hearing given me on the occasion of this my first speech. (Applause.)

MR. BOURVER (Uasin Gishu): Your Excellency, for the last two days I have had a thought running through my head, that there was something funny about this room. I have now discovered what it is; it is the unusual symmetry of the front bench of the Government: seats! When I face the galaxy of talent on this front bench, I cannot understand why I am getting on my feet at all; day them, shall I say. At this stage, however, it is inevitable that one should either all down and say nothing or keep on saying and say nothing and that "or I disagree", so that I sincerely trust hon. members will, to some extent, if I repeat points that have been made, bear with me. I hasten to add that I have no intention of taking part in this marathon debate we are running at the moment—all I claim to do is to possibly run the hundred yards at most; and if I can, find my second wind to stay 220 yards or something like that. Someone, I cannot remember who said it, but I read it in some paper, likened this budget to a Midsummer Night's Dream. Well, if I roar to you gently like a sucking dove, do not for a moment consider that the measure of my feelings towards this budget, because I have very strong feelings towards it indeed. Rather construe it as a measure of my commiseration with the hon. member who so tremendously difficult task he has had, which he has done fairly

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[Mr. Bouwer] successfully so far, in sailing between the Scylla of insatiable demands for more and more public funds and the Charybdis of just as urgent a demand for the realities of the situation, because I agree with what the hon. mover said, that there are realities which we have to face and that possibly this budget is rather like a Midsummer Night's Dream and we have to wake up. It is possibly also on account of the fact that I am one of the unfortunate people who have got to produce the rabbit out of the hat, and I am more glad than ever that I have taken my room at Mathari which I want to go to after the financial deliberations of the Standing Finance Committee. I gather also that the hon. mover has made similar arrangements! (Laughter.)

To get down to serious things, I hope you, sir, will allow me to say a few words and make a few observations on your message read out to us when this budget debate opened. The first matter I should like to make an observation about is when you stated, or caused to be stated, that of necessity this must be little more than another in the series of war budgets. With all respect, I feel I must say that I am terribly disappointed with those remarks. Of course, it in some respects must reflect war conditions, because the aftermath of war is still with us, but the aftermath of war will be with us for a very long time indeed, and should not be made the excuse for a bad budget. I am told that in a generation from now we may still be suffering from the aftermath of war. I personally would much prefer to have had this budget—which after all, is the first peacetime budget—show us the door to the road that Government thinks we ought to travel. That is the measure of my disappointment, and I hope again that you will pardon me if I do express my disappointment with your attitude. To me, I may be wrong, it does explain to some extent the £600,000 that this budget is more than the last one.

If I may make another observation on another matter that you, sir, read out, the question of Controls, in which you stated that the relaxation or removal of Controls should go step by step with similar action in the United Kingdom. That sounds all right, but there again with all

respect I believe that we should be different. I have no doubt there are many Controls where we have got to go step by step, but surely there are Controls where the necessity to do so does not exist, and the United Kingdom would agree to our not doing so. In making that statement I must say that what makes me believe that and the reason I say so, is that in other parts of the Empire Controls have been relaxed out of step with Controls in the United Kingdom, and I think we could have done the same.

I was very pleased indeed to hear two matters that you touched on, the first one in the message which was read, out and the second one in your address to Council yesterday. I refer to the paragraph in which you stated that we have in the Carter Commission report and the Order in Council based thereon a settled agrarian policy for this country. I was very pleased to hear you say that, because there is a great deal of apprehension in this country at the present moment about what the intention of Government is. I personally do not share those apprehensions. I believe that the White Highlands have been demarcated, I believe that the White Highlands will remain white while they are beneficially occupied by ourselves. I believe that we, the Europeans in this country, have it in our hands to ensure that they shall remain white by seeing that we, as leaders of this Colony—I do not say that in any arrogant spirit, but I say it in the sense of what history has shown us—by service that it would be a very bad day indeed for this Colony should the Europeans ever be forced to leave it. (Hear, hear.) In that connexion I welcome your remarks very much indeed when you stated yesterday that the Settlement Schemes Committee report had been approved by the Secretary of State. That undoubtedly is a step in the right direction, and I have no doubt at all that that will allay many fears that some people have.

A point has been made by several hon. members about the inadequacy of African wages, and in that connexion I welcome very much indeed your remarks as to the necessity of adequate prices for primary products. Although it has been repeated several times it will bear repetition again, and I want to say with all the

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[Mr. Bouwer] I do not believe there is a single European in this country who is not prepared to pay the very best wages provided adequate work is given for those wages, and always provided that adequate prices are obtained for primary products to make increased wages possible.

If I may come to the Acting Governor's address, I want to say a few words about it. There were some very fine statements expressed in his address, and I am going to pick out two. One is the provision of funds which has been inserted as Government's pledge of its firm intention to tackle the land problem vigorously. Further on, speaking about land administration, he said it was a Government pronouncement of Government policy and it must be regarded as a direction to all concerned with native land administration. I am certain that the hon. Chief Secretary will forgive me if I am rather like a Doubting Thomas at the moment, and say that I have heard similar words uttered in this Council before, and I trust very much that those very fine sounding sentiments in his address will be translated into vigorous action at the earliest possible moment. I pledge here, on the other hand, that if they are not so translated into vigorous action I am certain that many members on this side will have some very vigorous words to say on the matter.

I now come to the speech of my very good friend the hon. Acting Financial Secretary. In the course of that speech he said that he welcomed criticism. Well, I hope he is getting all the criticism he wants and with that which is still coming to him, as much as his heart desires. He also said he was going to be provocative. I think myself he was, in the sense that certainly what he said provoked very profound thought, and I admire him for the courage he had in throwing several spanners into the works. One point that he made, when I think he intended to be provocative, was when he said that in his opinion the Wakamba were on the dole, and would be on the dole for a good many years until their land was rehabilitated. The hon. Member (Nairobi) South called it the worst indictment he had ever heard. I should like to call it a few more adjectives. I say it is

the most damning statement made in this Council for at any rate the length of time I have been here. What a reflection it is on the Governments of this country that have been in power in the past! What a confession of the utter failure of those Governments to tackle the problem with wisdom and initiative, and what a confession of an absolute bankruptcy of ideas! I am glad the hon. member threw that provocative statement into the arena because perhaps it will serve to wake us up to the realities of the situation. (Hear, hear.)

In the Estimates I see that £80,000 is provided for famine relief, I suppose as a result of his idea that the Wakamba will have to be on the dole for at any rate the next few years. I am going to oppose, bluntly oppose, that £80,000 at present, not because I want people to starve, but because I oppose it because I understand there are many many thousands of stands going into that reserve every week, and there are many people in that reserve who can well afford to pay for the food. I am going to propose that those who cannot afford to pay for the food, if they are able bodied, should at least be made to work, like you and I, and made to work if we want to live. What a reflection it is on this country when on the one side you have people who are on the dole, who are being fed, who are not being required to work, and a few miles away you have to conscript other people to get any harvesting work done in the country. Does that make sense? It makes no sense to me.

Turning to another point in the speech of the hon. mover, I want to say something about taxation. I think I am quoting him correctly when I say that he said that a reduction in taxation is not only desirable, and that we can't justify our acceptance of money from Colonial Development and Welfare funds if we tax ourselves to the limit of our taxable capacity. That, on the face of it, seems a very reasonable argument; it seems a very, very reasonable sort of statement to make. But I, as a farmer, will just try and show you how the situation strikes me. I see a cow, which is not too fat at the moment, and I see the hon. mover sitting under the cow milking, milking, milking. I see that he never lifts his eyes from the cow, but just keeps on milking, milking,

[Mr. Bouwer]

All of a sudden the cow drops dead! He finds out that what has happened is that he has failed to give that cow time to feed; he has taken no trouble about that. That is how the situation strikes me—this phase of taxing the taxpayer of this country to the taxable limit. In that connexion I welcome the appointment of a fiscal investigator. I am surprised that it was not done long ago, but of course from the other side of Council one has often heard the cry of "bodies, bodies, bodies". It gave me the impression afterwards that some of them were dead, but I understand that they were not. (Laughter.) I welcome the appointment, but I rather wonder if it was necessary to go outside the country. After all, what we want is to find out what our taxable capacity is, and who could do it better than financial experts who are in the country and know the country? I believe that we have the people in this country who could give us very good advice. I leave it at that for the moment.

Another point I should like to make on what he said was on the question of taxation of Africans. I think he used the words that he would like to get hold of the money of some of these gentlemen. The hon. member Mr. Mathu objected very much to that. Why, I do not know. I believe that no one can object to Africans who are earning very, very good money indeed paying their share towards the running of this country. I have heard it stated quite frequently that the African is making thousands in this country. It all depends, of course, on how the man feels who tells you, but having seen lorry loads of vegetables coming in from the reserves, having no later than yesterday heard of an African who has seven chain stores and who probably should be paying excess profits tax, I am very pleased to hear that that matter is being investigated. I am sure no fair-minded person would disagree; as, after all, we have accepted the principle that he who earns most shall pay most, and these people should be made to pay their share, and it is entirely unfair that one or two communities should be called upon to bear the brunt of the burden of income tax.

As regards the rest of my remarks, I will try and conform more and relate them more closely to the budget. The first

item I want to deal with is on the question of revenue from customs, page 14, items 2, 3, 4 and 5, and I want to support the remarks made there by the hon. member Mr. Pritain, and say that I also fear and think that these revenue estimates have not been framed as cautiously as they might have been. The items I have referred to are: 2, spirits, an increase of £40,000; wines, ale and beer, £20,000; other food and drink, £30,000; tobacco, £30,000. I ask hon. members of Council to consider those items very carefully. Is it right that we should budget for an increase—very considerable increase—of £120,000, having regard to the fact that our consuming population has gone down and is going down very rapidly indeed? I know somebody will say that they were mostly Army people who got their food from the Army and their drink customs duty free, but the fact of the matter is that those Army personnel consume a very, very large quantity of the spirits, tobacco and other food and drink that have been consumed in this country in the past few years, and I do question the wisdom of budgeting for such a large increase.

Another small point on the question of revenue is the question of boarding fees. I see an increase in respect of this item also has been budgeted for. That may be perfectly all right, but it strikes me that, having regard to the fact that many children are going overseas for further education now that overseas education is again available, is it right that there again we should budget for an increase?

I now come to expenditure. Head 3, Administration. I shall go very warily and be very circumspect when I speak about this as I do not wish to be misunderstood in anything I say. Like my hon. friend Archibald Beescher, I have a great regard for many of the officers of the Administration. I, like him, count many of my friends among them, but at this stage I do believe that it would be wrong for us not to state quite clearly and openly our ideas of the Administration. I do not want to repeat what he has said word for word, but I do support him very, very strongly in his remarks concerning the Administration. I want to say a few things first, and that is this: that it is probably not necessary, or will

[Mr. Bouwer]

be so necessary in the future, to have not been administrative officers in the settled areas, but it will be necessary for many years to come to have the very best administrative officers in the reserves, and I want to repeat that—the very best—because I believe that anything else than the very best is a positive danger to the progress of this country.

The hon. member to whom I referred just now said that we were sitting on a time bomb. I believe it is much worse than that. I believe that unless this question is tackled—unless the Administration do their job properly in the reserves, we are going to be atomized in the very near future, which I believe is very much worse than sitting on a time bomb. The vote has gone up by £53,811; and I sincerely trust that we are going to get value for the extra money that is being spent. In passing (I do not want to steal any of my hon. friend the Member for Nyanza's thunder) (laughter)—(Mr. COULDRAY: Quite impossible!)—but the other day, in reply to a speech of his, it was stated that having deputy provincial commissioners was actually a saving. Well, it may be so, but on my arithmetic (it is quite a long time since I left school) but on going through the Estimates it does appear to me that in 1945 our estimates were nine provincial commissioners and senior district commissioners and a Chief Native Commissioner, who cost £10,505, and in the 1946 Estimates before us there are 13 officers at a cost of £12,126 without the Chief Native Commissioner. As I say, my arithmetic may be wrong and I am prepared to have that pointed out to me. (Mr. COULDRAY: Right!) I am right, am I? Good!

Before I pass on from this head there is one thing I should like to ask—and that is this, and it follows on from my statement just now that we must only have the very best men in the reserves: I believe that if an officer is not pulling his weight, if he is weak-kneed, if he is not the guide, philosopher and friend that he should be in the reserves, he should be got rid of. I believe that it is wrong to keep that man on from motives of compassion or anything else. We on this side of Council will insist that these people be got rid of.

because we shall be atomized if we do not.

Time is getting on, but I shall only be another 20 minutes. The next head I come to is Head 4, Agricultural Department—I see the Director of Agriculture smiling because he has already spoken—Masai Wheat Scheme. I have no doubt the hon. Member of Agriculture will reply, but my point is this: that the Agricultural Economist caused to be published a little while ago an article in the *Agricultural Journal*, and that article, to my mind, is a grave reflection on white settlement, and I believe can be used very much to the detriment of white settlement. I want to ask the hon. Member of Agriculture whether the statements made and the conclusions come to in that article represent the considered views of his Department and of himself, because in that article views are definitely expressed which challenge increased white settlement, and I do not believe that such an article could go unchallenged. I am not going to say anything more about that.

I will pass on to Agricultural Production and Settlement Board. Here I am going to criticize the sum of £600 which has been put down in the Estimates for Deputy Chairman, Agricultural Production and Settlement Board, and before I criticize it any further, I should like to pay a tribute to the present holder of that post, Capt. F. O. B. Wilson, who has done a sterling job of work throughout the war, and who, next to the Chairman of that Board, has been mainly responsible for its success. (Applause.) I cannot believe that he was responsible for having £600 inserted, because I have often heard him say that he did not think it was right that he alone should be paid; at any rate, he was not prepared to accept it. I am wondering what the changed circumstances are which have led up to this item being inserted in that vote. Unlike the hon. member Mr. Pritain, I think that the Board has done extraordinarily good work, but at the same time I do not know what happens to people when they cross from this side of Council to the Government side. It does appear to me that once they get on to that side of Council they seem to need a good deal more staff than they did on



[Mr. Bouwer] this side of Council, and I would ask the Member for Agriculture to bear that in mind very much indeed, I, as a member of the Standing Finance Committee, have been asked to vote thousands for the expenditure of this Board through the year, but that has to stop; we cannot carry on. I would ask you to call a halt to the augmentation of an already large department.

Before I leave that vote I should like just to say one or two words about something the hon. member Mr. Pritam said, and that was he criticized the Agricultural Production and Settlement Board very trenchantly. It is all a matter of opinion. He did it very well, I might say, but I would very mildly—very mildly, I say—suggest for his consideration that if it had not been for the work that was done by the Agricultural Production and Settlement Board, instead of this Colony and the taxpayers of this Colony having to subsidize foodstuffs to the extent of over a million pounds, it might very well have been over two or three million pounds. (Hear, hear.) Again, I would very, very mildly suggest to him that if the unofficial community of this country, the farmers, had been listened to a little bit, sooner it would never have been necessary, or might not, to pay any of the million pounds that it cost.

I am going to be another quarter of an hour, sir?

[His Excellency: Hon. members will probably in that case prefer to adjourn rather than that you should be speaking under a sense of hurry.] (Laughter.)

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 28th November, 1945.

Wednesday, 28th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 28th November, 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 27th November, 1945, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR CAVENTISH-BENTING):

Sessional Paper No. 8 of 1945—Land utilization and settlement, a statement of Government policy.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. BOUWER: Your Excellency, it was unfortunate I could not finish yesterday [Members: Hear hear!] I did not expect that that remark would create all that applause, but the fact is that I am not in the form I was in yesterday, so I shall be much shorter.

I want to start my remarks this morning by disagreeing with someone, and I should like to make a few observations on some remarks that were made by the hon. members representing African interests. They started off their speeches by saying that they thought themselves to be in rather an unfortunate position in that there were only two of them to cover the ground that in our case would be covered by quite a number of us. I think that has created a wrong impression, and what I should like to say is this, that I think they were being a little bit unfair to Government by saying that they were the only two persons who were able to speak for the African, and I think that they were unfair not only to Government but also to some well-known members on this side of Council. As far as I am concerned, every member of the Government takes the greatest care

[Mr. Bouwer] of African interests, and there are at least three members whose specific duty it is to speak on African affairs, and I am referring to the Chief Native Commissioner and to the Provincial Commissioners. Up to now there have been at least five of them, because there were four Provincial Commissioners and one Chief Native Commissioner. I should also like to say a word or two as far as some remarks that were made by my hon. friend Archdeacon Beecher are concerned, about censorship. The view he put forward was a very idealistic one, but I believe that it would be wrong to accept the view he put forward because I can visualize quite easily some films being perfectly suitable for Europeans and others being not quite so suitable for Africans. Therefore I am sorry to say I do not agree with the view he put forward. There was another brick which he threw into the pool which I cannot allow to go by default, and in regard to which I should like at any rate to utter a mild warning, and that was he did suggest some senior officials should be paid from the United Kingdom funds. I think it needs a great deal of consideration before anything like that is put forward.

ARCHDEACON BEECHER: On a point of order, my remark was not a suggestion; it was a question, which I thought was rather a different thing.

MR. BOUWER: I accept that explanation, sir. (Hear, hear, and laughter.)

Turning for a moment to revenue—this is something I had forgotten yesterday; it is just as well I did have another chance to speak! In the course of the remarks made by my hon. friend the Member for Nairobi North he put in an impassioned plea for lawyers and doctors, and I am afraid I cannot imitate his example, but I am quite certain he has put up, if I could quote as well as the farmer does, just as good a plea for the farmer (A member: Better!) (laughter), who also has to work all day and very often fall into the night to produce the food so urgently required in this country. If that is the only argument he can put up for relief from Excess Profits Tax, perhaps he might next time include the farmers of this country as well, and he would have my most hearty support and

also, I am quite certain, of some members on the other side of Council.

Now, to get back to our muttons. Head 12, the hon. Member for Nairobi North set a very high standard yesterday when he spoke of education, and I personally would like to support him on most of what he said. He put up some very idealistic ideas, but unfortunately he did not say where the money was going to come from. He did certainly say, as far as the European community would be prepared to pay for the education of their children: I agree most heartily. He also did express the opinion that he hoped that the hon. member Mr. Pritam would express similar sentiments on behalf of the Indians. Then he came to the question of African education, and he was very, very discreetly silent as to who would pay for that. I believe myself that we must educate the children of all races in this Colony. One of the hon. members said that until we educate the children as far as we possibly can, of all races in this Colony, it would be very difficult to reach the higher standard of living which we desire. I go further than that: I say that unless all children of every race are educated, a higher standard is impossible. But, and this is the but—it is a big but—I believe myself that every community should pay for the education of its own children. The hon. member Mr. Matha called a remark made by the hon. mover a very disturbing statement. I call it a very distressing statement. That was the statement about the possibility of compulsory education being done away with. I should just like to repeat the remarks I made when I was sitting in this Council in 1941, when I was an acting member. At that time I said: "Whatever Kenya could or could not afford, it simply could not afford not to have compulsory education for at any rate the European children." I stick to those remarks and I hope nobody is going to have the temerity to suggest that compulsory education for European children shall be done away with, because I believe that that would be a very, very bad day for Kenya.

The hon. Member for Kiambu also made some remarks about education. She is, unfortunately, not here, but I hope I am correct in saying that what she did say was: "How can you expect to feed big, hulking boys"—perhaps she

[Mr. Bouwer] "I did not use the word 'hulking'—for a sum of £20 per term?" I had occasion to go into the figures. (She did suggest that they did not cover the cost of boards!) I had occasion to go into these figures and I was assured—I was certainly convinced—that the charges that are made to-day for boarding costs do cover the cost of boarding. My hon. friend next to me (Major Keyser) made some remarks about curtailing families. I prefer to deal with that under the Medical vote where possibly it would be more appropriate. There is just this thing I should like to say: that it is all very well and easy to say for the right thing to do is to put up fees for schooling, but I believe that the only effect of that would be that you would put up also the requests for remissions and that your last position would be no better than your first, and in any case I am not satisfied myself with the present idea of remissions. I believe it is a most unscientific way and I think it is completely wrong. After all, when the State is at war and requires the services of its people it does not ask you whether you belong to a big or a small family; it just says to you: "You have to come along and help protect the interests of all," and quite rightly. Therefore I do suggest that we ought to be consistent. If we are to call upon the services of the children to protect the State, the State should be prepared to do something for those children to educate them.

I now come to the Labour Department, and I should like to refer to a remark made by my hon. friend the Member for Nairobi South. I agree with him most cordially, the status of labour officers should be raised, but what I do disagree with just as cordially is that it should be raised in the way he has suggested and that it should be done by placing those people on overseas terms rather than on Kenya Local Civil Service terms. I believe that it is completely wrong, because it would be perpetuating the soul-destroying cancer that is eating at the hearts of a lot of Civil Servants to-day in that they feel that because they happened to be recruited in Kenya they live on a different plane completely, and in fact they are second class officials, instead of first. We have to get away from that, and I have very, very strong feelings on that matter, and I know that there are many Civil

Servants who have strong feelings on that as well. If a man's status has to be raised, it must be done in a different way.

I have made a note here about Head 22, Local Government, but that has already been dealt with, and I will not repeat what was said, except to say that I hope the remarks made about basic road grants will be given some consideration, though I agree it will be rather difficult to do so.

I now come to the Medical Department, Head 23, and here I sincerely trust again that the remarks I have to make are not going to be misunderstood. I want to say straight out that whatever I have to say on this Department must not be construed that I do not want medical services to be rendered to the people of this country. This Department calls for an increase in the vote over last year of £62,000, and I do believe that we ought to take stock of our position and realize where this is leading. Do we realize where the work of the Medical Department is leading us to—day? I do not think we know. We are told, and most of us know, that there is a pressure on the land. We have had interminable discussions in the last few weeks trying to devise ways and means of easing the present situation, and I believe that we must realize that by doing the work that we are doing in the reserves and outside the reserves—quite rightly—keeping people alive who would otherwise die—quite rightly—we must realize that we have to put something else at the other end of the picture, that we have to provide a reasonable living for these people whom we have kept alive, and that we have not got to saddle future generations, future people who are going to sit on this Council, with an even more difficult task than we have ourselves to-day, but the two things must go together and we must plan now and not have a completely lop-sided policy.

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[Mr. Bouwer] That is what I am told. A lot of people have the idea that the way to control the birth rate is to increase the standard of living. I believe that is a fallacy. I believe it is a fallacy that we are grasping at. I wonder if we really know whether that is going to cure the position. Let us examine what has happened in other countries. I believe I am right in saying that after the industrial revolution in England, when people were able to have a higher standard of living, the birth rate went up very sharply, and it was only after people had reached a fairly high standard of living that the birth rate flattened out. I believe that that is a lesson we have got to learn. It is a lesson that we just cannot afford not to take notice of, and I sincerely trust that this Government, and we ourselves on this side of Council, will realize what we are leading to.

I now come to Head 29, the question of the Police. My hon. friend the Member for Nairobi North set again a very high standard for his case and I would say that I support him. I believe that every citizen of this country has the right to protection by its Government, and I believe that those citizens can only be protected by an adequate and satisfied and efficient police force, and I sincerely trust that we are not going to be forced into the position one unfortunate lady was put into a little while ago when she sat down after two brutal murders and wrote a letter—under distressing circumstances, and understandable circumstances, and the only result was that she was sentenced to what I think I can call a harsh and, indeed, almost a savage fine. Therefore, I hope that the plea that has been put forward on this side of Council from time to time will be taken notice of by Government. We are quite satisfied that we will never have an adequate and efficient police force until what we have asked for is brought about by Government. The hon. member Mr. Priyam made a very serious statement and that was—I hope I am quoting him correctly—that graft and corruption were rampant in the police force. I honestly believe that no hon. member can quarrel with me when I say that it was a very, very serious statement to make in this Council. I hope Government will take very, very great care to either prove that it is correct or that it is wrong. Indeed, I imagine the police will

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[Mr. Bouwer]  
 did not use the word "hulking"—"for a sum of £20 per term?" I had occasion to go into the figures. (She did suggest that they did not cover the cost of boarding.) I had occasion to go into these figures and I was assured—I was certainly convinced—that the charges that are made to-day for boarding costs do cover the cost of boarding. My hon. friend next to me (Major Keyser) made some remarks about curtailing families. I tried to deal with that under the Medical vote where possibly it would be more appropriate. There is just this thing I should like to say: that it is all very well and easy to say that the right thing to do is to put up fees for schooling, but I believe that the only effect of that would be that you would put up also the requests for remissions and that your last position would be no better than your first, and in any case I am not satisfied myself with the present idea of remissions. I believe it is a most unscientific way and I think it is completely wrong. After all, when the State is at war and requires the services of its people it does not ask you whether you belong to a big or a small family; it just says to you: "You have to come along and help protect the interests of all," and quite rightly. Therefore I do suggest that we ought to be consistent. If we are to call upon the services of the children to protect the State, the State should be prepared to do something for those children to educate them.

I now come to the Labour Department, and I should like to refer to a remark made by my hon. friend the Member for Nairobi South. I agree with him most cordially, the status of labour officers should be raised, but what I do disagree with just as cordially is that it should be raised in the way he has suggested and that it should be done by placing those people on overseas terms rather than on Kenya Local Civil Service terms. I believe that is completely wrong, because it would be perpetuating the soul-destroying cancer that is eating at the hearts of a lot of Civil Servants to-day in that they think that because they happened to be recruited in Kenya they live on a different plane completely, and in fact they are second class officials instead of first. We have to get away from that, and I have very, very strong feelings on that matter, and I know that there are many Civil

Servants who have strong feelings on that as well. If a man's status has to be raised, it must be done in a different way.

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[Mr. Nicol]

ber Archdeacon Beecher when he says that to pay African teachers Sh. 25 a month, is, well, I do not think they were his own words, but he meant it was absolute nonsense. On the subject of African education I rather feel that that perhaps is a subject which could very well be dealt with by D.A.R.A. I think it is a thing which should go over to them. Lack of development in education in the past cannot be held at the door of the people here now, and I think it has got to be looked on as capital investment.

There was an argument which the hon. Acting Financial Secretary put up as being one of his reasons for keeping taxation at a high level; it was because taxation in England is at a high level. I do not think that is an argument at all, because England is a highly industrialized country, and this is an agricultural one, and we cannot allow ourselves to be made uncomfortable because other people are uncomfortable. In this general budget we envisage development on a very large scale, and money for that development should have been made available years and years ago. I should like to interject that people from England often say: "Why should we make grants to colonies such as Kenya? Why should we pay money for their development?" And the answer is, of course, that in peace time 40 per cent of the imports into the Colony came from the United Kingdom. Surely that is a return on the investment which the United Kingdom people have made in this Colony, and if they had invested more money in the past on developing the country I suggest their investment would have been richer still, and if there had been that development it would also have meant that our revenues would have gone up. There would have been an increased demand for trade goods on which duties are paid, and an increased outlet for local industries. But in the past, when you come to look at it, what efforts have been made to try and increase our revenues? I would refer hon. members to the Hansard of 1938. As far back as then I was talking about the development of the country, and I had the temerity to suggest, shall I say, a loan of ten million pounds, and everybody held up their hands in holy horror! But in this budget you are spending a million and a half per annum

for 15 years, and I congratulate Government.

Anyway, development definitely requires cheap money, and I want to suggest that if the nationalization of the Bank of England means anything it means cheaper money. Otherwise, why go through all the hoop-ah of paying out shareholders? If you do not pay them dividends I suggest you will be able to administer the Bank of England quite reasonably cheaply, say 3 per cent. I would also draw attention to Mr. Dalton's speech in opening the Thanks-giving Week Savings Drive, in which he hinted that investments in Government loans would probably be at a lower rate than I think the loan he was talking about, say 24 or 3 per cent, but he did indicate lower rates. If that nationalization of the Bank means anything, I suggest the intention is to enable money, or rather credit, which is the better word, to be made available for development and capital development. Some people may say that this is inflation, but surely if there is money to spend that is going to increase spending power and giving work, and therefore I suggest it is all to the good, for if we have an increase in spending power it will increase the demand for trade goods, and accordingly our revenue will improve. It is pathetic, when you look back on the past, and even to-day, the failure to cope with soil erosion, the development of roads and water supplies, all due to lack of finance, and what finance we could get was at most exorbitant rates. You cannot develop a country, you cannot develop an estate even, on 6 per cent, 5 per cent, 4½ per cent, or perhaps even 3 per cent. Burdens of that nature are a veritable hangman's noose.

The Colony is an asset to be developed, and the wealth of the Colony is the land and other natural resources plus services and labour that the indigenous and immigrant populations can render. The land has been allowed to deteriorate. The hon. Director of Agriculture admitted that the deterioration of the land for the last ten years was something terrific. The Kamba country is on the outside limit, and it is likely to be for some considerable time, and this has been going on for years and years, and only now are steps being taken to try and arrest that deterioration, let alone try and create

[Mr. Nicol]

some appreciation. It is a terrible indictment of the action—or rather the omission—of past Governments. But, as I say, development must cost money, and such development is going to increase your recurrent expenditure, but by that development in time surely the revenue it will produce should catch up with your recurrent expenditure and eventually overtake it so that you do get a surplus. On many occasions in business you have got to spend money to make money, but if business got into the sorry state that this country's land has got into the shareholders would have had the directors out, sacked them, and gone in for a complete reorganization. We cannot sack the Colony's directors, but I do submit that the past indulgence must go. There has got to be a completely new conception throughout the whole Administration of what is required, a new conception in regard to the enforcement of law and order, and enforcement of good farming practices, and a general endeavour to create good citizenship. I was going to ask whether Government would make any statement of policy, but this morning on our table a paper on Land Utilization and Settlement has been laid which, I see, states that it is a statement of Government policy. That in itself is an admission of the omissions of the past. During the last eight years I have been in this Council I have been trying to extract out of Government an outline of policy, and the laying of this paper confirms, in my opinion, that Government hitherto has not had any policy at all.

Now, touching for a moment on one or two of the speeches of hon. members. The hon. Acting Financial Secretary said that there could be no advancement unless we submitted to high taxation. That is an easy way out, but we have got to find other means and a better way out, even if it means for him more work! There is a point which I do not understand. I might not have heard him correctly. When he was talking about the abolition of the excess profits tax he said that Government would not allow higher dividends. That sounds unsound to me, because if dividends are not dispersed it means that the inland revenue loses the taxation from individuals, and under the present law—the hon. Commissioner for Inland Revenue will no doubt cor-

rect me if I am wrong—he has power to turn to a company and say: "You are not dispersing as much as you should, and you will either give that to your shareholders or I am going to assess the tax on the shareholders as though that money had been dispersed," so that the statement of the hon. Acting Financial Secretary would seem to me to strike right across the work that the Commissioner of Income Tax would have to do.

Now, sir, the hon. member Dr. Rana raised the question of the Municipal Board of Mombasa, and he drew attention to the fact that whereas the elective principle to that board was enjoyed by the Indian members the Europeans were nominated by Your Excellency. That was the outcome of a referendum, and perhaps the hon. Commissioner for Local Government will correct me, in I think, 1934 or perhaps 1936. However, it was a referendum approximately ten years ago, when the European community decided that they preferred the nominated principle to the board as opposed to the elective principle. But there undoubtedly has of late been a considerable growing civic consciousness in Mombasa, and there is a demand among some, and quite a big proportion of the community, for the elective principle to be introduced, and therefore, as the situation to-day was brought about by a referendum, I would suggest that perhaps a referendum of possibility of a referendum be considered by Government.

The hon. Member for Nairobi North made a plea in regard to the export trade, and I should like to support him in that. I do not think he was referring particularly to the question of primary produce but rather more to an export trade of manufactured articles of local trade to industries. Well, sir, I should like to support that because that will undoubtedly help us in the future. While on the subject of export trade, I cannot let go the question of that very, very valuable export, or potential export, the tourist traffic. At the present moment I fully realize that the shipping companies, and even railways, and possibly the air services, are not in a position to make satisfactory provision for tourists, nor are they likely to be able to do so for a couple of years, about 1948 or 1949, but there is no reason why we should not

[Mr. Nicol] be prepared and get our plans and get something done; let us get our hotels on to a good basis, taxi services, roads, and the like.

Before I get on to a detailed examination of the Estimates, I have a duty to perform, which is at the request of my hon. friends the members representing the Arab interests. The hon. member Sheriff Abdullah Salim was unfortunately rather seedy the other day when he spoke, and he has asked me to take up certain points, and my hon. friend who sits on the other side feels that it would possibly be rather improper were he to criticize Government. (Laughter.) First of all, to touch on one point made by the hon. member Sheriff Abdullah Salim. He asked a question about the Mombasa-Lamu road. I ask the question, what about the Mombasa-Tanga road? That road is still very far from satisfactory, and perhaps the hon. Director of Public Works—and incidentally I should like to take this opportunity of congratulating him on his appointment to the substantive post (hear, hear)—would answer that question. (A member: And give him our sympathies as well!) Oh yes, he has my sympathy, but I am coming back to him later on!

Turning to some of the points which the hon. Arab members asked me to raise, the first one is in regard to overseas bursaries for Arabs. Provision is made for bursaries to Zanzibar and Makerere, only, and I understand that when Your Excellency was in Mombasa you would tell the Arabs who came to see you, that provision would be made for overseas bursaries, and I should like to know why that has been cut out of the Estimates. Head 3, page 36, item 124: The Arabs are very anxious indeed, and I wholeheartedly support them, in asking for one extra kathi who should be resident in the Digo district, as the one kathi at the moment in Mombasa has to go on circuit to deal with Digo. Such additional post would also mean that somebody would be available for relief.

Under the same head there is a special request for a lorry with a caravan body to be placed in the Coast area for use by the Provincial Commissioner, and also for the Lwali of the Coast, so that they can get around their district, and also it is going to mean that they will

be able to pay much closer attention to the smaller villages. With this lorry they will be able to sleep in villages where there is no suitable accommodation. That would also mean a slight addition for camp equipment and a driver, and for maintenance and petrol. (MRS. WATKINS: What about tents?) Well, they might have tents, but I should think possibly a lorry would last longer; canvas can deteriorate.

With regard to the Transport Licensing Board and the organization of that board, again there has been a slip on the part of Government; I am quite certain that it is one of those little omissions which happen at times. They had their attention drawn to it particularly in regard to Sessional Paper No. 3. Well, there is no Arab member on that board. They feel very strongly on it and want to have an Arab member on it. I do not see why they should not. Many, many owners of Arab lorries do come under the licensing of this Transport Licensing Board, and I make a strong plea for Arab representation.

The hon. Arab members also asked me to raise this question of Nyali Bridge. My hon. friend Dr. Rana raised this question. There is no doubt widespread dissatisfaction among the Arab community in Mombasa over the tolls on this bridge and the traders who have to pay normal rates to bring in their produce are definitely at a disadvantage, and from the point of view of the development of that northern area of the Coast Province, something should be done about it.

MR. SHAMSUD-DEEN: May I ask for Your Excellency's decision on this minor point of order? According to Rule 43 all members are supposed to address the President. Does that mean that all the time they must keep their faces and their eyes fixed on the President, or should they speak to the Council?

HIS EXCELLENCY: I think surely the Rule means that members are understood to be addressing the President, but I should be sorry if members felt it necessary to keep their eyes fixed on me. (Laughter.)

MR. NICOL: Your Excellency, I understand that the ordinary man in the street is unable to obtain a copy of this document containing the draft Estimates.

[Mr. Nicol] Only a certain number are printed for hon. members and, I believe, the Press, but I have heard complaints, particularly this year, that people who have applied to the Government Printer have been unable to obtain copies of the Estimates, and I think that the Estimates should be available to the public as well as to anybody else. I should like also to endorse the plea of my hon. friend the Member for Ukamba when he asked for longer time to consider the budget in future years, if possible. After all, it would give the country a chance to examine the implications.

I should like to touch on one or two revenue matters. Page 14, Head 1: First of all, if you will turn to the actual receipts for 1944, we are only shown the total of that. It would be very convenient if we could have itemized the actual receipts alongside the various items. I think that the figure for item 2, Spirits, anticipated revenue, £330,000, is very definitely optimistic and I wonder whether my hon. friend the Commissioner of Customs can justify that figure. One must take into consideration the difficulty of supply, and that particularly applies to cotton yarns, item 7. I should be very surprised indeed if you are able in 1946 to achieve that figure. I certainly think that the total for customs and excise ought to go down to at least the sanctioned estimates for 1945. I would mention that the Chambers of Commerce maintain that the time has not yet come to remove the war-time surcharge of 10 per cent, and I wonder whether anything could be done on that.

Page 15, Income Tax. I think perhaps the hon. Commissioner might get that figure next year, but he will have to have another think coming when he prepares his draft estimates for 1947, because I think you are going to see a considerable decrease. I naturally welcome the announcement that the fiscal system is to be examined. Undoubtedly the spread of taxation at the present moment is unfair, as it falls in the main on one section of the community, but in regard to that fiscal survey I presume that the Government Notice No. 955 calling for a census of non-native employees, is to prepare some map for the gentleman who is coming to make for this fiscal survey. That notice called for a lot of very

very confidential—in fact, highly confidential—personal information in regard to individuals. In the past, in fact, the information has only been available to the Commissioner of Income Tax who is bound, and his department is bound, by a code of secrecy. This year the Government Notice was produced by the Statistical Department and, what is more, I understand was produced under Defence Regulations. I think that that is a very, very serious matter. A thing like that certainly should never have been called for under Defence Regulations; I do not see that it has anything to do with defence at all. The preparation of statistics for a fiscal survey has nothing to do with a general emergency. I think the matter could possibly have been overcome by perhaps a resolution in Council authorizing the Commissioner of Income Tax to give the information which was asked for in this notice to the expert.

Item 15, page 15, Estate Duties: I am going to make my annual request for abolition—yes, it is no use you shaking your head! (laughter). We have been up against this question of estate duties for years, and in a farming country, an agricultural country, it is undoubtedly a most unsound form of taxation; it is nothing else but a capital levy. We have got it on the records of this Council that it should be removed from the statute book at the first opportunity, and in regard to the figure estimated, I am going to ask my hon. friend the Commissioner of Lands and Settlement why this optimism? He has been described here in this Council by a one-time representative of Ukamba as a downy old bird, and I have no doubt he has some secret information in regard to this; otherwise I am going to press for the estimate to be put back to £15,000 which it always has been.

Page 17, Head 4, item (1): the pessimism of the Postmaster General that his estimates will drop by £30,000 for postage stamps is sad. Perhaps he has information that the correspondents concerned have now got married!

Page 18: Two hon. members have already touched on this, and that is items 14 and 15, Ziwani produce and Taveta produce and water. Taken in conjunction with item 33 on page 18, you will see that the estimated loss of



[Mr. Nicol]

saddle and has not been able to get down to it. I do hope that the costing committee is going to get busy early in the new year.

There is no doubt there is necessity for readjusting our ideas as to building standards. I think that, despite what a lot of people say, we can achieve as comfortable a house as we have to-day for £2,500, for considerably less. I have here plans of two houses of a type which has been erected in Dar es Salaam. I have seen them myself and they are very satisfactory and, if I may, I would just quote from a letter I had from a friend of mine down there: "The Government 'temporary' houses are really of a semi-permanent type, and will be of much better construction than some of the old German houses which are still in use. The new houses will have permanent cement foundations and anti-proof floors; 15 in. coral walls; rough timber and *makuti* roofs. The rough timber and *makuti* roofs will eventually be replaced by a proper tiled roof, which means that to all intents and purposes the houses will then assume a character that will enable them to remain in use as long as necessary. All the internal fittings are to be of the recognized type for a permanent house. The houses, complete with Government furniture, are estimated to cost about £450 for the smaller and about £1,200 for the larger size. They should be very comfortable." I think it is about time we did the same thing here.

I feel that certain Public Works Extraordinary should be transferred to D.A.R.A., if not the whole of the Public Works Department, because it is quite obvious that D.A.R.A. is going to have control of the Public Works Department, and probably the ultimate say or decision as to what work shall or shall not be done, and therefore if they have got the Public Works Extraordinary in front of them the whole time they are going to be able to have the whole picture. I do not know how that suggestion would go, but anyway in the initial ten years of reconstruction the Public Works Department can surely come under D.A.R.A. completely.

There is just one parochial point which I have been specifically asked to take up here, and that is a request by

the East African Society for the Prevention of Cruelty to Animals. In Mombasa, unlike Nairobi, a large amount of water runs to waste every day. In fact, I think it is somewhere—no, I have not got the figure here—but anyway it is very nearly half a million gallons or thereabouts. Anyhow, the East African Society for the Prevention of Cruelty to Animals wanted to "set up a water trough at Changamwe so that animals could water there; cattle and camels coming in on the hoof, particularly in the hot weather, are in a terribly distressed state by the time they arrive there. As things are at the moment the cattle owners in Mombasa have to send out over wide areas in order to bring in fodder for the stall-fed cattle, and it was suggested that a water trough should be placed there and that water should be allowed either free or at a nominal rate of say Sh. 10 a month. This was turned down, one of the excuses being that the department would lose revenue. But I do think that is rather a short-sighted policy. There is water running away. It is of course possible that some immoral people might try and take water out of the water trough, but surely it is not going to break the Public Works Department, or the Colony, if that happened. In any case there is ample opportunity for inspection by officers of the Society, and I would ask the Public Works Department to take a more reasonable and a more humane attitude towards this question.

Now, sir, War Expenditure, Civil Controls. Naturally I, like pretty well everybody else, will be very glad to see the last of controls, but the time has not yet arisen when that can happen. Certain controls have been got rid of, and at a meeting which was held the other day of the Trade Advisory Board, controls were very carefully examined by the members, and they expressed satisfaction with the policy which was being followed. Certain controls will come up again for review. I think one in three months' time, and other in six months' time, but we cannot get rid of the Imports control at the moment, until the dollar question has been squared up as between His Majesty's Government and the United States of America; there has, however, been a certain amount of relaxation.

[Mr. Nicol]

On page 158, item 30, "Demobilization and Reabsorption of Service Personnel." I hear that some returned soldiers who have been invalidated or have been got out under Class B releases have been experiencing great difficulty in getting their gratuities paid. One case I know of, he had been out of the army for nine months and nothing had happened; representations have been made to the military but again nothing happened. I do think that something should be done. In passing, on the subject of demobilization, I do think it is time it was made quite clear to a large number of these returned soldiers that, concerning the salaries which they seem to think they are going to get in peace time, their ideas will have to be revised. Commercial concerns certainly cannot pay the salaries those men are enjoying at the present moment, and I have been horrified at the ideas of some who came to see me to sound me tentatively regarding a job.

Price Control: I should like to congratulate the Price Controller on the work he has done. He has been very urinating of course, to many of us in the past, but taking it by and large price control in this Colony has worked possibly better than anywhere else in the world, certainly better than at home, and the Controller has done a very good job indeed: I do think that, perhaps, looking at what has happened in the United States, price control might be removed from luxuries. I know that with three communities in a country it may be very difficult because whereas one section of the community might, for example, consider beer a luxury I am quite certain my hon. friend the Acting Financial Secretary would consider it necessary. (Laughter.) (Mr. Cooke: What about gin?)

What regard to the estimates of the Development and Reconstruction Authority, let us be quite fair. Time has not really been permitted to think over the preparation of these estimates, but they must be looked on as a start, and we must give that Authority a chance. If they do not deliver the goods, well, they can look out for squalls. They can take it; there is no question of that. But there is one thing, and that is there is

evidence of farsightedness, and on that alone the Government and the Authority are to be congratulated. But I do say this, that I hope they will concentrate on those forms of development, anyway in the initial steps, which will be of a revenue-producing nature. It would have been perfectly easy, of course, to dodge the issue and say there is no need of any development, but some courage has undoubtedly been displayed and, sir, I would end on this note: If we have faith in Kenya, and I say we have, then in that case let us go to it.

I support the motion. (Applause.)

ACTING DIRECTOR OF EDUCATION (Mr. Donovan). Your Excellency, before I come to the subject under debate, may I say how very fully all members of my department would like to be associated with the tribute paid to Mr. Foster by the hon. Chief Secretary in his address to Council: (Hear, hear.) I should like to add one thing: All hon. members, even perhaps those whose acquaintance with schoolmasters is slight, even perhaps only a bowing acquaintance, will probably agree that one of their marked characteristics is an independent quality of mind. Schoolmasters do not suffer a new head of a department gladly; they prefer to wait and know him by his works. The very fact that within an extremely short time of Mr. Foster's arrival in the Colony he came to be regarded by all members of the department with both admiration and respect is, in my opinion, the finest possible tribute that can be paid both to his ability as a Director and to his personal qualities as a man. (Hear, hear.)

Coming to the subject of the debate, I think, perhaps, that I am justified in saying that in so far as the Education estimates are concerned, the atmosphere at the beginning of the debate was one of alarm and despondency, and is now one of pained resignation. I think most hon. members realize that even in Kenya we cannot have our cake and eat it. The hon. Chief Secretary, in his address to Council, stated that Government viewed with serious concern the growth of the education budget, and that point was elaborated at some length by the hon. Acting Financial Secretary. I hope, therefore, that I may be permitted to make some general remarks on the education budget before I deal with specific points



[Mr. Donovan] by hon. members. May I say at once that my department shares that concern, and realizes very fully that the growth of the education budget must cease unless the revenue in the present fiscal system remains as buoyant or even more buoyant than it has been during the war years, or unless fresh sources of revenue are discovered.

I therefore welcome the statement of the hon. member that Government intends as soon as possible to institute a close inquiry into the incidence of educational expenditure. Certain avenues of economy may well be discovered by a close and detailed inquiry. I will mention here only two possibilities. The cost per head of foodstuffs and other boarding equipment in our schools has risen during the war years out of all proportion to the general rise in the cost of living. For instance, at the Prince of Wales School in 1939 it cost Sh. 1/33 per day to feed a boy; at the beginning of this year it cost Sh. 2/91. Similarly, in our African boarding schools, it cost at the outbreak of the war for boarding, which included foodstuffs and all other boarding equipment, Sh. 75 per annum; at present the cost is Sh. 135 per annum. I think those increases are at least in part due to the fact that we have been unable during the war years, and are still unable, to make forward contracts in bulk for the supply of foodstuffs and boarding materials, and indeed that also applies to tuition equipment. I think when the flow of foodstuffs and equipment in general becomes easier, those costs are bound to go down. At the same time, I do feel that the pre-war system we had was possibly not as economic as it might have been, and I have felt for some time that if the department was able to obtain expert advice in making its purchases and drawing up its contracts, the costs of that advice would be repaid several times. We had one minor example of that very recently. The growth of the Prince of Wales School has necessitated the employment of what we call a "supply matron." That matron is charged with the duty of purchasing all the foodstuffs and boarding materials. As a result of her activities the cost per head of feeding the boys at that school has already dropped from the figure I quoted, Sh. 2/91 at the beginning of this year, to Sh. 2/52.

The second possibility is that of reverting to the system which obtains in most colonies and which obtained here until about ten years ago, and that is of ordering all our equipment and stores, where it is not possible to purchase satisfactorily in the local market, from overseas through the Crown Agents. I realize that such a suggestion may not be entirely favourably received by a body as the Chamber of Commerce, but I feel certain that we have been for some years and are now paying more locally for articles of equal, or in some cases inferior, quality to what could be obtained by importing direct through the Crown Agents. The department is making inquiries into these costs at the present moment, and I hope it will be in a position to report in some detail when the committee of inquiry is appointed.

To turn to the main problem of the large increase in the education budget. I think it was stated at the beginning of this debate that the cost of European education had risen almost three times. At the same time I think insufficient emphasis has been laid on the fact that the number of children we have to cope with has also risen very considerably indeed, and I should like to give some figures. For instance, in our Government European schools the roll has increased 75 per cent since 1939, while the number of boarders increased by 102 per cent in the same period. A further factor has been the disproportionate increase in the number of pupils in our secondary schools, and all hon. members realize that it is more expensive to run secondary schools than primary schools. That increase has been 123 per cent. The increase in the gross recurrent expenditure, that is if you take the actual expenditure in 1939 and the revised estimate of recurrent expenditure for this year, is 178 per cent; and if we take the net expenditure, the increase during the same period has been 148 per cent. There is another factor, and that is that, particularly in European education, we have been compelled during the war to house a great number of our pupils in temporary buildings, which are not merely unsatisfactory but are costly to maintain, and in some cases require an increased staff to run. I will give you one example, the European school at

[Mr. Donovan] the boarding section of the school is distributed in three rather widely separated places, and it has been necessary, therefore, to employ a larger number of boarding staff than would have been necessary if there had been one self-contained unit.

When we consider all these factors, and also the fact that, if hon. members will look at the estimates of European education, they will find a sum of over £10,000 is required for the cost of living allowances—and I imagine that may be classed as temporary expenditure—then I submit that the rise in European education is not in any way out of proportion both to the increased services that are necessary and the general increase in the cost of living index.

In Indian education the position is much the same. In 1939 we had 4,420 pupils in Government Indian schools, the figure for the current term is 7,784. That, I think, is roughly an increase of 77 per cent. The financial picture is very much the same as in European education, except that the net recurrent cost, or rather the percentage increase in the net recurrent cost, is rather higher than in the case of European education, and that is because at the beginning of this year new grant-in-aid rules were introduced which resulted in a not inconsiderable increase in the amount paid to those schools. I am afraid that I cannot give anything like comparable figures for African education. In the first place, comparatively expensive institutions such as the N.I.T.D. and Jeane's School, Kabete, were handed over to the military authorities early in the war and have not yet been returned to the department, so that any figures I can quote now would tend to be false.

Those figures, however, as I think the hon. member Archdeacon Beecher said in his speech, do not give the whole picture. In European education, for instance, approximately 1,500 European children are being educated in private schools without cost to the State; it is not possible to give a definite, accurate figure for the cost of educating them but I imagine, judging from the fees charged in private schools, that the cost to parents amounts to something in the neighbourhood of £110,000 per annum. In Indian education there are at present

46 grant-aided schools, and apart from the Government grant to those schools, the community spends very considerable sums. I am not able to quote accurate figures, because in some cases it is very difficult to get returns, or at least detailed returns, from these schools, but from figures we have I imagine the cost to the community is in the neighbourhood of £10,000 per annum. In that branch of education, too, there is a number of up-aided schools receiving no assistance from public funds whatsoever and as far as we can estimate the cost is probably between £3,000 and £5,000 per annum to the community.

The hon. member Archdeacon Beecher, speaking on the subject of African education, pointed out that the estimates before this Council do not reflect in any way the amount of money that is being spent year after year by local native councils. That is so. For the current year the estimates of these councils provide for an expenditure of £41,322 on education, while in the 1946 draft estimates that figure has risen to over £48,000. Also in these draft estimates there appear further sums, partly capital expenditure, partly, in the case of some local native councils, what they call "special development" rates amounting in all to some £29,000. In most areas the local community have to provide approximately as much again towards the cost of grant-aided schools. In addition, there is a very large number of African elementary and sub-elementary schools which receive no assistance from public funds and are entirely supported by the local communities, although in some cases they benefit from mission contributions; those contributions being in part received from overseas. I am afraid that I cannot give any estimate of the cost to the African community of those services, but I am endeavouring to get figures.

We hear a good deal in these days and, indeed, the subject has been mentioned more than once in the course of this debate, of the necessity for increasing the primary wealth of the Colony, and by that is meant the riches of the soil. I would certainly not be so foolish as to deny that the Colony in its present stage of prosperity must in large part depend for its material prosperity on the degree of success attained in utilizing that asset

[Mr. Donovan]

to the full. I would like, however, to suggest that, again, is only half the picture, and I submit that the real wealth of this or any other country lies in its inhabitants and their ability to take an active and intelligent part in developing their country (hear, hear), and I cannot see how this can be done without education. I must say that I was very grateful for the support accorded to education by the hon. Member for Nairobi North, and the very cogent reasons he adduced for that support. I was glad, too, to note that the hon. Member for the Coast laid stress on the fact that social services ultimately pay a very high dividend. There is, in my humble opinion, not the slightest doubt that the ultimate prosperity of this Colony depends on the education of its people, and I am sure the hon. member the Acting Financial Secretary will agree with me when I say that taking the long-term view, education is probably the most productive service. I would say this. When I speak of education as being a productive service, I mean education, organized and conducted really efficiently, and neither I nor any member of my department would dream of claiming that, as at present organized, education in this Colony is anything like efficient. It is not. We have made mistakes, and I am afraid we shall continue to make mistakes but, after all, education is something of an empirical art, particularly in a country of many races, but if we have the fullest possible co-operation of the communities we are trying to serve then I think we shall be able to reduce those mistakes to a minimum.

I do not think it is for me to describe the ways and means of providing finance for education nor, indeed, am I competent to do so. I would urge, however, that some means be found whereby education is not at the mercy of what the hon. Acting Financial Secretary called the vagaries of the budget. Reverting to the first remark I made, I think I am justified in saying that the education estimates caused both alarm and anxiety, alarm at the general increase in the cost and anxiety on the part of individual hon. members lest that alarm should cause the pruning of any item or group of items. I am sure hon. members on the other side would agree that the com-

munities they represent would be prepared to meet the education bill even, as I am sure will be necessary, if it is found that those services have got to expand. The only proviso, I think, they would make is that they want to be sure they are getting their money's worth, and I think it will be up to the committee of inquiry to go into that matter very closely.

As far as I am aware, Your Excellency, the only charge of extravagance that has been made against my department is in the matter of school buildings, and we have often been accused of aiming at what is popularly known as the Baker standard. As most hon. members know perfectly well, that standard was not imposed on the Colony by a mere Director of Education. Indeed, I think I am correct in saying that its imposition was welcomed by the predecessors of hon. members on the opposite side of Council (Laughter). For some time the department has been engaged with the help of the Medical and Public Works Departments in reaching agreement on the subject of standards of accommodation. Agreement has been reached in respect of European and Indian schools; the question of Arab and African schools is now being actively explored. Those standards, which are based on the standards laid down by the Ministry of Education in England, adapted, of course, to climatic conditions here, have nothing whatsoever to do with standards of construction or with architecture. They deal with certain essential minima as regards floor space, lighting, ventilation and sanitary accommodation, and the Department has always maintained that provided it is satisfied as regards those essential minima, it is for Government, and ultimately of course for the people of the Colony, to decide on the standards of construction and architecture. It is for the Colony to decide, if I may borrow a phrase which was often heard on the lips of the hon. Director of Public Works' predecessor, to decide whether or not we are to have "pretentious buildings or barn-like structures." I would just say this, that provided one has the necessary equipment, it is just as possible to give efficient instruction in a barn as in a Baker building; but education in its wider sense must lose something of its cultural value in a barn.

[Mr. Donovan]

deal with specific points. Before I deal with specific points raised by hon. members, there is one further general point, and this I think was raised by the hon. Members for Kiambu and Ukamba, and that is the possibility of shifting some of the burden from the general taxpayer to the individual parents. My own personal view, and I would repeat that it is my own personal view, is that any substantial increase in tuition fees is a matter that requires most careful and thorough investigation before decisions are reached, and that it might well be a retrograde step. It is, I think, the accepted policy in all the older and more developed countries that the cost of education, and indeed of other social services, is beyond the capacity of the individual parent in the lower income ranges, more particularly as the larger families are generally to be found in those sections of society. It has therefore been the policy for many years that the cost of education and of other social services of like importance should be distributed over the general body of taxpayers. I do not think that those arguments are necessarily entirely valid in a country like this, but I think it would be true to say that in Kenya there is a not inconsiderable body of parents who would be quite unable to pay school fees in full if they were substantially increased, and I think that the law of diminishing returns would inevitably operate. There is another factor. Geographical considerations in this Colony make it necessary for a very large proportion of the children to be accommodated as boarders, and although I would be so bold as to claim that we run our boarding schools reasonably economically, it is true that in a not inconsiderable number of cases parents find it very difficult, if not impossible, to pay the full boarding fees.

This brings me to the point raised by, I think, the hon. Member for Kiambu, who suggested that fees could be raised if only there was proper provision for their remission in cases of necessity. That provision exists, and the whole process of finding out whether a parent is or is not able to pay and the matter of deciding each particular case is kept entirely confidential, and there is no reason why any individual boy or girl on the school bench should know whether or not his parent is receiving

partial or total remission. When these cases of remission come forward, the first business of what is called the Central Fees Committee is naturally to decide what is the total amount that the individual parent can afford to pay, and as the boarding fee is naturally the larger sum the tendency is to reduce the boarding fee to the total sum which the committee considers the individual parent can pay, and to remit tuition fees entirely. Therefore, any increase in boarding fees must result in a decrease in revenue from tuition fees. The hon. Member for Uasin Gishu raises the question of boarding fees—and I think—he misunderstands the hon. Member for Kiambu. I think the hon. Member for Kiambu's point was that in the case of boarding fees it was justifiable that those fees should cover not merely the recurrent costs, but overhead charges. That has been the policy of Government for some time. The policy of Government has been that the revenue received from boarding fees should cover not merely recurrent expenditure, but administrative overheads; such things as pensions and provident fund contributions, and loan charges in respect of buildings used for boarding purposes.

MRS. WATKINS: On a point of explanation, what I was trying to get across was that I did not see why people on salaries of £2,000 a year or thereabouts should get their children educated for £25 a term; simply because other people were hard up. That was my point. I do not see why we cannot alter that ridiculously low figure of £25 a term. I am very much against rich people getting their children educated for nothing because the poor people cannot pay.

MR. DONOVAN: I am sorry. I thought the hon. member was referring particularly to boarding fees. The hon. Member for Uasin Gishu suggested that the boarding fees more than covered all the necessary charges. In 1944 the average per capita cost of boarding had risen to just over £45, which was the original boarding fee charged. As all hon. members are aware, these fees were raised to £60 at the beginning of this year. It is not possible, at least so far as the Education Department is concerned, to give an accurate per capita figure for the other charges. We did work out a figure in 1938, and that amounted to approx-

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a position to some and offer to make considerable sacrifices, that the Estimates as printed do not show what I regard as the essential requirements of my department.

Turning to the question of European education, the hon. Members for Nairobi South and Kiambu asked about the position regarding—the Kenya High School, and the hon. Member for Kiambu asked for a straight answer to a straight question: When did I hope the new Kenya High School would be opened? I am very glad the hon. member used the word "hope." Hope, I think, is a commodity that even an Education Department can afford to indulge in without the permission of the Standing Finance Committee (Laughter.) Mr. Foster, in the course of the budget debate last year, referred in peripatetic manner to the 23 years' hard labour undergone by my department in this and other matters. It is now 24 years, but I think the dawn is breaking and I think progress has been made. As far as the Kenya High School is concerned, architects have been appointed, and if the hon. member will turn to the Estimates of D.A.R.A. she will find a not inconsiderable sum down for the Kenya High School. The planning of this school will, of course, take a very considerable time, and the building also a very considerable time, and it will take even longer than one would normally expect unless the supply position improves. But at any rate, I will answer the hon. member's question: I hope that some day in the middle of 1948 will be celebrated as V-KHS day!

The hon. and reverend member representing African interests spoke of the deplorable condition of the housing for African servants in European schools, and particularly the quarters in Nairobi. Let me hasten to say that I entirely agree with him; the conditions are most deplorable. As far as Nairobi is concerned, I hope it will be possible to put proposals before the Standing Finance Committee in the near future for some improvement in that situation.

The hon. Member for Rift Valley spoke of the temporary buildings at Nakuru, and also inquired why there was no provision in the Estimates for permanent extensions at that school. As regards the temporary buildings, instructions have already been issued that the

hon. friend the Acting Financial Secretary in his opening speech on the budget. The hon. member Mr. Thakore also spoke of the difference between the grants-in-aid to European education and the grants-in-aid to Indian education. I am afraid I was not quite able to follow that because up to the present no grants-in-aid have been paid in European education. I think perhaps, however, he was referring, as was the hon. member Mr. Shamsud-Deen later, to what he called the disproportionate costs per head in European and Indian education.

The hon. Member for the Coast said that he fully supported, or rather the Coast fully supported, the demands of the European Parents' Association, but as he did not say . . . (Mr. NICOL: Mombasa)—hon. Member for Mombasa—that he fully supported the demands of the European Parents' Association, but as he did not detail what those demands are I do not imagine he expects me to comment. He then turned to the matter of a syllabus. The position is that the syllabus is not yet available and is not in a form ready for printing. I do not know whether the hon. member has any idea of the amount of work that is entailed in drawing up the syllabus. The present position is that the best scheme of work in use in European schools is now in process of being cyclostyled and will be distributed to all schools, but we are not yet in a position to draw up a syllabus in its final form and therefore do not consider it worth while having this other scheme printed.

Then he quoted the case of a girl who was awarded a bursary with a most distressing condition attached thereto. I cannot give him the answer, and I should like to explain that the bursary rules as they stand at the moment provide that recommendations should be made by a board of selectors, and those recommendations are then sent to Your Excellency for approval, and after that the department merely acts as a post office; and I am afraid I must ask my hon. friend the Deputy Chief-Secretary, who is chairman of the board of selectors, to deal with that particular baby. (Laughter.)

Coming now to Indian education, the hon. member Mr. Thakore spoke of the necessity of boarding facilities, particularly in the smaller townships, to avoid overcrowding in Nairobi. I am afraid he has already got his answer from my

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hon. friend the Acting Financial Secretary in his opening speech on the budget. The hon. member Mr. Thakore also spoke of the difference between the grants-in-aid to European education and the grants-in-aid to Indian education. I am afraid I was not quite able to follow that because up to the present no grants-in-aid have been paid in European education. I think perhaps, however, he was referring, as was the hon. member Mr. Shamsud-Deen later, to what he called the disproportionate costs per head in European and Indian education.

The hon. Member Dr. Rana has provided me with a very large number of questions. The first point I think was that there were no Government school buildings in Mombasa, that Government had never erected any school of its own in that town. That is perfectly true, but the hon. member may not be aware that only a few weeks ago Government decided to exercise its option and to purchase buildings which were erected in Mombasa to house the Government Indian Girls' School.

He then accused my department of providing a very defective type of education. I should be the last to attempt to assert that the department is satisfied with regard to Indian education, but we have to face a great many difficulties. In the first place, we are quite unable to obtain a large enough number of trained teachers. I think it was the hon. member who said that at present something like 50 per cent of the teachers in our Indian schools were untrained. I am afraid I must correct him: the figure is nearer 80 per cent! He went on to say that we had made no attempt to bring trained teachers from overseas. Well, we sent Mr. Dolton to India some years ago for that very purpose, and Mr. Dolton was successful in getting two! We have been in almost continual correspondence with various educational authorities in India. We accept every suggestion made by members of the Indian community and get in touch with any teacher whom they may suggest, but the fact remains that these people do not wish to come over to Kenya, either because they do not like the idea of crossing the sea, or else they may have heard stories about the Kenya Education Department.

The hon. member's next point concerned sports grounds in Mombasa, and

[Mr. Donovan] really the hon. member is in a much better position to reply to that question than I am, for the matter is, as he well knows, under consideration by the Mombasa Municipal Board at the moment.

Then he referred to the Dolton report and accused the department of putting it away in a pigeon hole. I would ask the indulgence of Council if I deal with the point at some length, because we are often accused of paying no attention to reports or advice that has been received. Indeed, there are two common criticisms made of our advisory councils: one, I think, that they are entirely irresponsible bodies, and the other that they are of no use because nobody listens to what they have to say.

The actual position in connexion with Mr. Dolton's report is as follows: The Advisory Council on Indian Education discussed that report very fully, and this is how their minutes read: "This Council, while unable to accept all the recommendations of Mr. Dolton's report on his recent visit to India, thanks him for his most interesting and useful report, and recommends that Government should give careful consideration to the suggestions in the report which have the support of Council." They then proceed to detail those suggestions, and I will deal with them as briefly as possible.

The first was that the bursary system should be extended to enable Indian youths to be sent to India to obtain degrees and diplomas in education. That was accepted by Government, but no Indian youth has come forward. The next recommendation was the institution of alternative courses in certain vocational directions of specific use to the community. We have given considerable thought to that, and have made provision in our development plan for modern schools, but I am convinced and I find it most difficult to see what vocational courses will be of specific use to the Indian community. The next asks Government to consider giving Indian teachers extended leave to enable them to take courses in physical training. Government again accepted that recommendation, and all the teachers were informed, and we had two applications. One could not be accepted as the teacher in question did not know any English and it meant his taking a course in English.

The other went forward, but by that time the training college had closed down. (Laughter.) Then the Council turned to the question of the supply teachers, and they recommended "that the salary scales for female teachers should be the same as those for male teachers." That point is included in the proposals now under consideration by Government regarding the general revision of Indian teachers' salary scales. The second point was that married women should be allowed to enter the Civil Service on the same terms as unmarried women. With one exception they enjoy all the privileges of the Kenya Asian Civil Service, except that they are not allowed to contribute to the provident fund. Finally, they said that in the recruitment of male teachers preference should be given, other things being equal, to those whose wives are trained teachers. That was also accepted, and in one case we have made an offer to a man because we consider his wife has qualifications which are extremely good!

Coming to the remarks of the hon. member Mr. Shamsud-Deen, he spoke of the disproportionate costs between European and Indian education, and quoted these figures: £159,000 for European education and £110,000 for Indian education. The real figures, of course, excluding boarding in European education, are £84,000 and £110,000. He then quoted the *per capita* costs. Well, as the hon. member perfectly well knows and any member can find out by looking at the estimates, the main cause of the difference in these *per capita* costs lies in the differences in the salary scales. There is a second factor not reflected in the printed estimates, and that is the very much higher proportion of European children in our secondary schools than is the case with Indian education. I am sure the hon. member, who is not here, does not wish me to enter into a lengthy and involved argument on the subject of these basic differences. He then spoke of what he called "aiding schools," and I think his argument was that his community put more money into those schools than Government did and that it was high time Government should increase their grants. I am afraid the hon. member must have forgotten that at the beginning of the year the grants made to Indian schools were very substantially increased. The hon. member Mr. Sham-

[Mr. Donovan] sud-Deen then dealt in a rather pathetic manner with the traffic problem at the Indian girls' school in Nairobi, and here he tended to embroil his appeal. He spoke of deaths—none have occurred! He spoke pathetically of one girl who broke her arm. I have made inquiries, and find it took place rather more than half a mile away from the school and had nothing to do with the school whatever!

Coming to the remarks of the hon. member Mr. Pritam, I was not able to follow him when he said, as I understood him, that there was a large number of children in all townships unable to obtain accommodation in the schools. I should like him to produce evidence of that. It is true that in Mombasa and Nairobi, owing to difficulties of accommodation, we have small waiting lists at our Government schools, but I do not think (and I am subject to correction by the hon. member) that the same position obtains in other townships. He asked the hon. Acting Financial Secretary to justify the statement that the Indian school population was increasing by 12 per cent per annum. If the hon. member will remember the figures I quoted earlier in my remarks, and if he will apply the elementary rules of arithmetic to those figures, he will find that that figure is, amply justified. He said he was assured last year that hostels would be provided. Well, I have searched our departmental records, and have gone through the Hansard speeches in the budget debate last year, and I can find no such assurance anywhere. As regards the question of hostels, I am afraid that the hon. member has already had his answer from the hon. Acting Financial Secretary! His next point was what was being done about the school at Nakuru. That school is in process of planning. As the hon. member knows as well as I do, with the small architectural planning staff of the Public Works Department one cannot expect miracles. He then touched on the policy of taking over aided schools and on the question of the necessity of relief teachers. Well, again I am absolved by the hon. Acting Financial Secretary from those questions because he answered them himself. I would only say this insofar as the question of relief teachers is concerned. It is not a question that affects only Indian education. We have

never had in European education a permanent relief staff.

Coming to Arab education. The hon. member Mr. Sheriff Abdulla Salim said, if I understood him right, that the department had done nothing to improve Arab education and never listened to any advice given by the Advisory Council on Arab Education. Well, I must confess at once that Arab education is that section about which the department is the least happy. I entirely agree that my department has not done anything like what it should have done in connexion with Arab education, but I would stress one difficulty. The advice offered us by the Advisory Council on Arab Education has tended to vary alarmingly. To take one example. A considerable number of years ago with apparently the full consent of the Arab community a coast secondary school at Shimole-Tewa was opened for the benefit of Arabs and Africans. Now, sir, while I am prepared to admit that we were not too happy in the choice of the site in all cases, I think we did make an honest attempt to make a success of that school. But it was only after a comparatively short time that the Advisory Council said "No, we do not want one at Shimole-Tewa but we want an Arab day secondary school in Mombasa." Later they said "We want an Arab boarding school in Mombasa," and now they have agreed, as far as I am aware, to an Arab secondary boarding school at Changamwe.

The hon. member asked that a committee of inquiry should be appointed to go into Arab education. I personally would welcome it, and very cordially, but I would say this: I do hope that all shades of Arab opinion are represented on such a committee of inquiry, as otherwise I do not see how it will arrive at finality. The hon. member referred to the question of overseas bursaries, a point also mentioned by the hon. Member for Mombasa. Well, I have Government's authority for stating that that matter will be taken up with the Standing Finance Committee.

Turning to African education. The hon. members Mr. Mathu and the venerable hon. member Archdeacon Owen (laughter)—I beg your pardon, Archdeacon Beecher—referred to the question of terms of service. I think there has been a great misapprehension on this subject

(Mr. Donovan)

I understood the hon. Acting Financial Secretary merely to say that the proposals made by the Advisory Council were wholly unacceptable in their present form. That, I think, has been interpreted by several members as meaning that Government was not prepared to consider any of them. That is far from the case, and I thought that the hon. Acting Financial Secretary made it clear that Government was prepared to consider some improvement in African terms of service for teachers. As many rumours have been going round the native areas, and as it has been said by certain Africans that opposition to the proposals made by the Advisory Council has come from the missionaries, I think it only fair that I should explain the position in some detail.

The proposals which have proved unacceptable were drawn up by a sub-committee of the Advisory Council and then sent to the Advisory Council. As I happened to be in the chair on that occasion, I have a very intimate knowledge of the feelings of members regarding those terms, and I think I can sum them up in this way. All the members of the Advisory Council were quite convinced that some improvement, and considerable improvement, insofar as teachers in the lower grades were concerned, must be made in the terms of service. They were, however, very anxious that if the improvements suggested meant the expenditure of a very large sum of money that that should not in any way hamper the ordinary expansion of educational services. In other words, they feared that we might be going a little too far, and I think when they passed their resolution they endeavoured to make that clear. That also is the feeling of the department. While I am convinced that we must have an improvement in the terms of service of African teachers, and a very substantial improvement in the terms of the lower grades, I am anxious that we should do nothing seriously to increase the already wide gap between the salaried minority and the peasant majority of the African population. The hon. member Mr. Mathu said, I think, that the teachers would be public spirited up to a point, and he raised a point of very considerable importance, I think. It is, I think, increasingly evident that teachers appar-

ently alone of all professions are considered to be persons who should be extremely high-minded and with a real sense of their vocation, and that because of this they need not receive salaries comparable to those enjoyed in other walks of life, an argument I have always found it difficult to follow.

The hon. member Mr. Mathu said he supported Makerere very fully, and I am most grateful for that public statement made by him, because it is becoming increasingly clear that many Africans do not support Makerere and that the tendency is for Africans to wish to go to South Africa or elsewhere overseas rather than first of all to benefit by the training which can be given them at Makerere. We have had numerous applications from boys at present in secondary schools whom we had hoped to send to Makerere next year for training as teachers, doctors, and so on, asking for financial assistance to go to places like Adams College in the Union of South Africa. I feel that it would be an entire waste of money and time, because, owing to the difference between the curricula in East Africa and in South Africa, we find that it takes a Kenya African from six to eight years in South Africa to do what he can do here in from four to five years. The hon. member Mr. Mathu then asked why no overseas bursaries had yet been granted. Well, I think I am correct in saying that we had ten to 12 applications. In most cases the applicants were unqualified. They had passed the Cambridge School certificate examination but had not obtained matriculation exemption. There are, I think, I am correct in saying, three applications now being examined with a view to deciding whether bursaries be granted.

He then asked the reason for the delay in the establishment of the proposed institutions at Maseno and Embu. In one case there was a difficulty over the land, and in another case the question of the water supply. Finally, in both cases the estimates were drawn up originally in 1942, and building costs have risen somewhat since that date, but the department is carrying on girls' work at the moment in borrowed premises at Kabete, and we have to thank the C.M.S. for their ready co-operation in providing us with those premises.

(Mr. Donovan)

Coming to the remarks made by the hon. Member for Ukamba, he asked for a more practical bent to be given to African education. I do not know whether the hon. member is fully aware of the curriculum in our African schools, but in our primary schools are basic subjects, and manual training are agricultural subjects, and we have an agricultural syllabus in our primary schools which is most comprehensive. It is carried out very successfully in some schools; in others it cannot be carried out fully owing to the smallness of the site. There is one very serious difficulty at the moment in African education, namely, that since the N.I.T.D. was handed over to the military authorities we have not been able to provide any trade training. He then referred to the sum of £300 appearing in the estimates for Machakos. The position is that we have included in our development plans provision for an entirely new school, including a training centre so that the present school will be handed over entirely to girls' work. It is obviously going to be some considerable time before we get the new school, so we have asked for and obtained this small sum of money to enable us to erect temporary buildings to get on with the job. Finally, he asked for information regarding the establishment and curriculum for African farm schools in settled areas. I am having a stenilised memorandum prepared so that we can give this information at the shortest possible notice to inquirers.

The hon. Member for Rift Valley said that teachers must be controlled and supervised. If he will look at the administrative side of the general departmental estimates he will see that provision is made for control and supervision. He also suggested that they should be registered. If he or any of his friends are employing unregistered teachers they are committing an offence, and there is a section of the ordinance which deals with it. (Laughter.)

Finally—I am afraid that I have taken up a very great deal of the time of Council—I should like to say one more thing. I should like to refer to an occasion some 15 years ago when there was an educational conference in Nairobi and when, during the whole of a long and rather hot morning, we listened to

discussions, at times acrimonious discussions, on certain educational theories. Mr. Scott, then Director of Education, was in the chair, and it fell to him to wind up the discussion. After saying the usual pious things one has to say on such occasions, he said something like this. He said "I am afraid, ladies and gentlemen, we are all rather apt to forget our most important job, and that is to do the best we can for the little boy and girl on the school bench." (Applause.)

Council adjourned at 1 p.m. and resumed at 4 p.m.

MR. HAMILTON. ROSS (Acting Provincial Commissioner, Rift Valley Province): Your Excellency, the hon. member Mr. Mathu yesterday made an inquiry regarding the Nandi plot fencing scheme. This scheme envisages the enclosure of some 7,000 acres of the northernmost part of the Nandi reserve where it juts out into the Kipkarren area. This particular area has been much overgrazed in the past and also subject to haphazard shifting cultivation. It is proposed to wire fence the whole area and create a number of paddocks of about 400 acres in extent. Inside the paddocks we propose to rotate grazing and agriculture on a scientific basis and gradually restore the fertility of the soil, and it is also proposed to build a number of dips and go in for culling and selection of bulls for breeding purposes. Inferior beasts will be relegated to the plough or handed over to the Live Stock Control.

Some months ago you, sir, visited the Nandi reserve and met representative elders of the tribe. In the course of your address to them, in which you discussed branding, counting and culling of stock, and the measures to be taken for the preservation of the tribal lands you spoke to the elders in terms which were forthright and unambiguous. After the first shock had evaporated, the tribe rallied surprisingly, and the cattle count went through without a hitch, expeditiously and thoroughly. In fact, the veterinary officer in charge of the operation subsequently reported that the count had been completed with full co-operation of the chiefs, headmen, and people themselves. For Your Excellency's words we are most grateful. Moreover, the local native council has not been backward in passing resolutions dealing with the con-

[Mr. Ross] trol of the land and grazing as well. In fact, they have gone further, and they have expressed their readiness to tax themselves as stockholders to the extent of Sh. 5 for every African grazing more than ten head of cattle within the native reserve in order to raise funds for the improvement of the pasturage and the erection of more dips. The native tribunals have not been backward, either, in enforcing the regulations which the local native council has laid down. They have imposed very substantial penalties in every case of disobedience.

I would like to remind hon. members that what we propose is in the nature of an experiment and must be regarded as such. There is no doubt that we shall come up against snags which are not immediately seen, but, on the other hand, the information that we shall gain as regards costs, necessary legislation, and so forth will, I am sure, be of the utmost use to the rest of the Nandi tribe or any other tribe that may contemplate following this example.

\* I beg to support the motion.

MR. TOMKINSON (Provincial Commissioner, Central Province): You, sir, have allowed a certain amount of latitude in this debate, but it will certainly be my object to avoid any degree of longitude (laughter), but there are several matters which I will endeavour to give information upon more closely concerning my province.

The first is the question of Kibera. Under Your Excellency's instructions, steps were taken to make a social survey. This social survey in the first instance was only sectional, and that was done by the Nairobi Municipal Native Affairs Officer and Miss Deverell. It was obvious that one outcome of the whole problem of Kibera was that we should complete that social survey, and it was necessary to get a body to do it. We did not secure a suitable body until after the end of the war. The survey is not yet complete. We are quite incorrect in our original estimate of the number of people there. When this is complete, which should be in the first week of next month, it is proposed that there should be a small committee of people who are concerned in this and interested in it, so that a plan for the administration and replanning possibly of the whole area can be

considered and action taken with the least possible delay.

The other matter somewhat related to such places as Kibera was mentioned by the hon. Member for Nairobi North, when he referred to Dagoretti Corner. It is regretted, but cannot be helped, that around a prosperous town like Nairobi the perimeter does get rather covered with rather crowded settlements. I think the hon. member will realize that to start extra-mural villages within a native land unit is a matter of very considerable difficulty, but I may say that I have discussed this matter at some length with the hon. Chief Native Commissioner and the District Commissioner, Kiambu, and I am not altogether hopeless that we may find a solution.

Another matter which was mentioned by several hon. members was the question of Karatina. I should like to say first of all that the factory at Karatina, which was put up as a war measure, is now within a trading centre. At the time when the factory started the natives surrendered certain pieces of land for this factory as a help towards the war. I am glad to say that the Nyeri Local Native Council and others concerned realize that Karatina has now become a very big centre, and for its proper development must be enlarged, and although the gazette notice has not yet appeared regarding the setting aside that will be done as soon as the survey is complete. Therefore, the factory is well within the native land unit but does not affect any individual rights, the land having been virtually set aside, so that it is correct to say there can be no objection from anyone now, the Local Native Council having agreed the factory should continue. In the *East African Standard* on the 9th November I think the heading was very misleading: "The Kikuyu want Karatina factory to close." It will be within Your Excellency's recollection that in July, when you held a baraza at Nyeri, the spokesman there did mention the fact—and I am sure my recollection is correct—that they expressed a wish for it to continue. The difficulty has been entirely over the question of land.

As we all know, the Kikuyu are very apprehensive of their land rights, and the apprehension naturally becomes greater according to the density of the population, and around Karatina it is very

[Mr. Tomkinson] I considered a perfectly reasonable statement. After that, as soon as I heard negotiations were proceeding, I went out myself with the district Commissioner and agricultural officer, and held a baraza at Karatina. At that baraza, which is this copy of the *East African Standard* of 9th November purports to report; they were definitely anxious about the land. It was quite obvious—possibly I have had more experience of Kikuyu land than most—that we must go slow and keep them fully informed, and at the same time remove any possible grievances they might have regarding their land. I feel that the question of the land is now quite satisfactorily settled, and I think the hon. members for native interests realize the very great difficulties we had in discussing the project with the Africans at a time when Maconochies were really coming out on a look-see and could give us nothing definite of what they wanted to grow or how they wanted it grown. As regards the factory operating in some way or other, I am convinced the Africans will realize it is to their benefit. In fact, I can quote two definite occasions when chiefs from two districts came to see these factories and asked "Why cannot we have a factory in our district to sell our produce where our young men can be employed?"

To save time, if hon. members will excuse me, I will not quote their names, but I will mention that some hon. members have referred to Mr. Humphrey's report. I would like to emphasize that before I wrote the report something of this nature was anticipated, and actually inquiries were made to obtain the services of sociologists. The war came and we could do nothing more. Then the hon. Director of Agriculture made Mr. Humphrey available. He worked in my office most of the time and visited the other districts, and though this caption reads "The relationship of population to the land in South Nyeri," it might be said to refer to the greater part of the Kikuyu. I myself welcome the publication of this report. It is a factual report really indicating the position in such a way that there can be no doubt. It may be said we should have known this position. All I can say is that we had not the means to carry out an investigation of this nature. As regards the actual publication of this paper, I should say that 2,000 copies were printed of "Kikuyu Lands" and just over

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[Mr. Tomkinson]

400 distributed to Africans, the balance of the majority going to subscribers of the *East African Agricultural Journal*. We for our part have already got a translation in Kikuyu of the first portion of that report, and that has been cyclostyled, but so far it has only been circulated, to my knowledge, to members of Nyeri Local Native Council. At that same local native council meeting when we discussed the question of Karatina, they also brought the report up for discussion. I must say that I was very pleased they had done so, and it is my intention to have it frankly discussed at other local native councils. I must say I was very pleased to realize how many thinking Africans there are, and during the discussion, which was only a preliminary one, one might say, there were some speakers who appeared to me to really realize not only the very great dangers and making the best of available land, and that some other solution must be found; in fact, one member said "We received this, and it made us feel ill." I agree. My reply to them was "At any rate, you know what your illness is now; now we must find the remedy." And I do agree with the hon. member Mr. Mathu that we want education to face up to these things, and I agree with the hon. member Archdeacon Beecher when he said we must all pull together. It is perfectly obvious that unless we get the African population to fully realize the position we shall get no further but have a sort of unsatisfactory stalemate, if I might say so.

The hon. member also referred to the work of soil conservation in native land units. I think he is aware, as many others are, that it is quite a common practice among most African tribes at any rate to cultivate their shambas in a communal way. The amount of work done by the male is probably dependent on the amount of beer the owner of the shamba can provide! After all, one does know that the soil erosion measures are really part of agriculture, and I feel that if they would all go and work in a communal way I could see no objection. There are, as we know, very large numbers of African males out at work, and I do not see how we can deal with this problem unless we can get the women to help. There was also mention that there had been insufficient propaganda

as regards these matters. I think the case quoted by the hon. Director of Agriculture does indicate that we have been doing our best to make a start in the last seven years to get these things across, and the example he quoted of Kiambu is a case in point. I knew that case was going on and recently received some revealing photographs, almost too good, from the Information Office, so I spent a couple of days going around the Kiambu reserve, and it was perfectly true. They are taking energetic steps to get the fertility of the land back. I admit it is only piecemeal work and there is very much more to be done.

I would like to say on the general questions which have been carefully thought out by your advisers and their implementation by the Administration, that we have many difficulties that I do not think the general public really know. Whenever anything of major importance arises, such as soil erosion and culling, even such as Karatina, there is always, unfortunately, some undercurrent among certain sections of the African community who crab such things, and bring objections to it. What their object is I cannot see, but it is certainly of a political nature of an undesirable kind. If they would come forward, the people who send petitions and complaints, frankly to the local native councils or district officers, I feel sure that we should get on very much faster. Perhaps I could just quote two instances. After Mr. Humphrey's report was published, the senior medical officer of the Central Province came to my office and said: "Here is an odd one. I am having difficulty about vaccinations because of the scare of mallowpox at the coast." I said "Why?" and he said "They have read Mr. Humphrey's report and somebody has passed it around—because most of the people concerned cannot read—that 'We have been told you are inoculating us so as to make us sterile.'" There was another over the stream bank rule of no grazing on the side of a river. They said "We do not like this," and were asked why not. The reply was that the Public Works Department was going to take all the water. I can quote many instances, but those are the things that create the difficulties, and so there is need for propaganda and education.

The question of Machakos, especially in relation to famine relief, was also

[Mr. Tomkinson]

raised by several members, including the hon. Member for Uasin Gishu, and the expression that has been used is "dole." I think the hon. Member for Uasin Gishu, among his flights of airborne oratory, said it was a disgrace for the hon. mover to use the expression "dole." I see no objection to it, because I fancy the facts, but do others know the facts? There has been practically no free distribution of famine food in Machakos; the tribe as a whole had carried their poor relatives. The maize, or whatever flour was sold, was sold at a flat rate of Sh. 10/50 a bag; the subsidy was the transport and the difference between the selling price and the actual f.o.r. costs. I think that had we called this famine relief a "reduction in the cost of food-stuff" there would have been practically no objection. The hon. Member for Trans Nzoia said he wanted to know how the £80,000 for famine relief was incurred, and thought one of the problems in the reserve was how to dispose of the money going in, in the way of army pay, and that the purchase of this famine relief would be a very good way of absorbing that money. Actually, in the Machakos district, the income from family remittances last year was £160,000, and it is very much the same this year. Out of this sum, they had to meet and did meet and pay £125,000 for famine relief food; in addition to that, there was a central Government tax of £26,000 and a local native council cess of £7,000. If you add that up, there was not a large balance left, although I cannot agree that it was a good way for the Africans of the Ukamba district to spend their money. I must say that I dislike the word "dole" referred to the Wakamba, who I think have one of the finest records in this war; they have the highest percentage of able-bodied men in the military forces of any tribe in Africa.

There was also mention that while these people were receiving famine relief there was a shortage of labour. The figures for numbers out at work, including the military, were over 50 per cent. I think the general impression is that the only people out at work are those people who have got their *kipandes* signed and appear in the labour returns, but it must be realized by anyone who goes through the reserve how many small traders there are—carpenters, traders, and agricultur-

ists, working on their own, so really I do not consider that an impression of that sort is based on actual facts. There is one point—the hon. Member for Nairobi North inquired about regarding the taxes paid by Africans in Nairobi, whether some portion could not come back to the Municipality to help to relieve the very heavy burden which the Municipality had undertaken as regards social work. The actual facts are that under the 1942 Native Poll Tax Ordinance, of the Sh. 16 they pay, Sh. 2 are paid to the Central Trust Fund; of that Sh. 2, Sh. 1 is returned at a *pro rata* basis to the various local native councils, on the assumption that a number of those originated from those districts and have liabilities there. The other shilling is paid into the Native Trust Fund. This fund can, and will I understand, be prepared, to contribute towards works of a social nature in Nairobi.

The hon. member Archdeacon Beecher mentioned the question of trade, and quoted the fact that one newly formed company recently lost Sh. £100. I am afraid I am not aware of the facts of that case, but I can assure the hon. member I will make inquiries. I should like to say on this general question that apart from the appointment of Capt. Clive, whose duties will be mainly, I presume, if not entirely, concerned with the co-operative side, great care is needed, I agree, in giving advice regarding the formation of companies, and I am pleased to say that several commercial firms and lawyers have given Africans most valuable advice and assistance in this respect, and I propose to inform the District Commissioners that if Africans ask for advice they should be referred to one of the many reputable firms in Nairobi. But I would say that is need time that we agree that there is need for advice, but I am not sure in many cases the demand is not there. They think they know all about it, and those people burn their fingers very severely.

The hon. Member for Rift Valley actually said, I think, that the Administration discouraged labour. I would refer that, absolutely. A statement such as that is hardly a fair indictment and certainly cannot be supported by facts. The labour return which comes out every now and then shows a high percentage out at work, and I have myself, as regards parts of the Central Province, re-

[Mr. Tomkinson] said most laudatory letters, if I may say so from the Klambo Sub-Committee, for all the assistance officers in the province have given to their representatives who have toured various native districts. I know possibly some planters are not so keen on that scheme as others.

There was one other hon. member representing Western Area, and that was that administrative officers show partiality towards Africans as opposed to Indians. I should like to deny that again, but at the same time it must be realized that the African has only recently come within the sphere of trade and it is his right within his own lands to have the same opportunities for trading as any other community. (Applause.)

DIRECTOR OF PUBLIC WORKS (Mr. Boyd): Your Excellency, before I make any remarks on the budget I should like to thank the hon. Member for Mombasa for his congratulations on my appointment as Director of Public Works. I fully appreciate the task I have undertaken, and I can assure hon. members that I will do my best to carry it out, but I would stress that the staff position is very difficult at the present time, and until I have the opportunity of building up the department I hope they will not expect too much of me. There is one point of interest which I have heard today in connexion with staff, and that is that the new road engineer hopes to leave Cairo within the next month and should be here early in January.

Before replying to those points raised by hon. members, with Your Excellency's permission I should like to make a few general remarks regarding the Public Works Department. The budget debate is regarded and recognized as an occasion on which the majority of members on the opposite side of Council have cockshys at the Public Works Department. Being a spending department, that is not to be wondered at, but I do feel that I should be allowed to defend the department on this side. You, sir, when I first took over the responsibility of this department, in June this year, under rather difficult circumstances (the Acting Director had just gone to hospital), remarked that my department was one against which the general public levied a considerable amount of adverse criticism, not by any means all justifiable.

That is the point—not by any means all justifiable. With the activities of the department spread over such a wide field of engineering and its works being distributed over the whole Colony, they come very much within the public eye. It stands to reason that there must be a certain amount of criticism. One must accept that. It is the unjustifiable criticism that is so aggravating. It seems to be a case of "give a dog a bad name and hang him." I feel that this calls for a better spirit of co-operation from members on the other side of Council in endeavouring to quell that unjustifiable criticism.

The majority of adverse criticism—justifiable that is—can be eradicated by better supervision, and as soon as staff becomes available I hope that that can be substantially improved. I consider that it is most essential that either I myself or my deputy should get out into the districts very much more to ensure that work is being carried out in an economical manner and in accordance with the standards laid down. This has not been possible during the course of the war. I intend to make every endeavour to fly the flag of the department and to raise its prestige if I can overcome that pre-determined air of suspicion which appears to dominate the mind of the public of this Colony. That is where hon. members of this Council can assist, by contacting me or my divisional officers and ascertaining the true facts of the case before expressing their feelings by caustic criticism in the local Press. The department has been endeavouring during the war to carry out an extensive building programme without a properly constituted buildings branch. In consequence, I put forward a scheme for the reorganization of the department into three distinct branches, namely buildings, roads and water, each administered by engineers experienced in those branches of the profession. Government has agreed to this plan, and it is hoped that we shall be in a position to reorganize the department on those lines early in 1946 in order to undertake the large programme of work which is expected of the department.

Again, during the war years, a very considerable programme of work was carried out, in spite of the fact that a large number of technical officers were

[Mr. Boyd] to the department without any replacements worth mentioning. It is necessary to obtain qualified technical officers to take the places of those men who have gone. That is going to take some time, and they will have to be trained in local conditions before they are going to be really effective. That, taken all round, will take a considerable time.

Dealing with the question of contracts—which has been mentioned by various members, notably the hon. Members for Nairobi South, Ukamba and, more recently, I think, the hon. Member for Uasin Gishu—there appears to be a general misconception that contracts can be planned, organized and let without any staff. The actual staff required to plan and let contracts in the initial stages is greater than would be required to undertake that same work departmentally. Firstly, a greater number and many more detailed drawings are required to ensure that the contractor knows exactly what is required of him. Secondly, detailed bills of quantities and specifications are necessary to ensure that proper workmanship and value is obtained by Government. Thirdly, unless the contract is closely supervised there is no guarantee that the work is being carried out to specification, and the results of inefficient work may very well not become apparent for a considerable time after the contract has been completed. The amount of preliminary work required to let contracts on a satisfactory basis is therefore considerable, and it is quite erroneous to imagine that by embarking on a large number of contracts the staff of the department can be materially reduced; the opposite is, in fact, the case. It is the intention, however, to let contracts for all types of work whenever possible.

The value of contracts lies in the fact that the total volume of work can be spread over a greater number of agencies and therefore more can be done in any given time. With this object in view, a very considerable volume of work has been handed out to local firms of architects. These local firms of architects will employ local firms of quantity surveyors, and finally the work will be let, worked and thereby encourage local enterprise. But I should mention that the letting of work to private architects will

entail Government an additional expenditure of round about 12 per cent of the contract value. The main trouble in regard to contractors in this Colony is the fact that they are not graded. This means that when public tenders are called a very large number of second or third grade contractors have the right to tender for works which in a large number of instances they are quite incapable of carrying out, at any rate satisfactorily. This entails the preparation of innumerable copies of the bills of quantities, specifications, contract documents and so forth, and a consequent waste of time and energy. The grading of contractors is, in my opinion, a very urgent necessity.

The hon. Member for Nairobi South stated that we must avoid setting up a large department for carrying out recurrent works. In fact, he referred to a "white elephant" of a department. While deprecating such a description, I can assure the hon. member that there is no such intention; I am quite prepared to utilize the services of trade and civil enterprise—I think those were the hon. member's words—provided that trade and civil enterprise plays the game and does not charge exorbitant fees for such services by reason of monopolies in many instances. In a competitive market, I wholeheartedly agree, but have we got a competitive market?

The hon. member Mr. Thakore referred to the necessity for continuing Building Control. When building materials are in short supply it is essential to control those materials in order that they may be utilized to the best possible advantage. Until building materials become in easier supply, the release of control is liable to increase the activities of the black market, rather than to have the reverse effect. The hon. member Mr. Mathu raised the question of the utilization of African artisans. I can assure the hon. member that the department is only too glad to utilize African artisans when they can be found, and prior consideration will certainly be given to ex-arkansis. My experience to date is that they all wish to take long leave before contemplating any further work.

The immediate necessity for various essential works was stressed by the hon. member, and if he studies the Draft Estimates he will find that financial pro-



[Mr. Boyd]

vision has been made for the majority of the works mentioned by him. The works to which he referred are all covered under the Development and Reconstruction Authority estimates, namely:—Nanyuki Water Supply—Head 13 (B), Item 14; Mazars-Mariakani-Rabai Water Supply—Head 13 (B), Item 15; Police Lines, Nairobi—Head 14 (A), Item 21; Teacher Training Schools, Embu and Maseno—Head 14 (B), Item 32. Posts and Telegraphs Engineering School, Head 14 (B), Item 34. These will all receive attention during 1946 if staff permits, and will also be carried out in accordance with the priorities accorded by the Priorities Committee.

The hon. Member for the Coast suggested the imposition of a further tax on petrol in order to constitute a road fund. With this suggestion I heartily agree. It is time the Colony had a road fund with which to finance the cost of building first class roads. The policy of pinching and scraping, where roads are concerned, is just a sheer waste of time and money. Let us make up our minds to the fact that it costs money to build roads and let us get on with it. The hon. member mentioned the delay in proceeding with the recommendations of the Harris Sampson Report on the Tana irrigation scheme. The answer to a question in this connection has recently been given in Council, and it is hoped to proceed with investigation work in the very near future. In fact, the man to whom I referred as being a competent engineer is expected to arrive in Nairobi to-morrow. Whether he proves to be a competent engineer for that scheme or not I am afraid I am not in a position to say. (Laughter.) We must take our chance on that.

The hon. Member for the Coast also drew attention to the post of consulting engineer in the Development and Reconstruction Authority estimates. I welcome his expression of confidence in the engineers of the Public Works Department. I, for my part, am glad to see that Government has at last recognized the fact that to get good men you have got to pay adequate salaries. You yourself, sir, reiterated that fact in your communication from the chair on Monday, as being the feeling in the City of London, and there is no question of doubt about it. There is an enormous demand for tech-

nical men in all parts of the world at the present time, and if this Colony is going to get her fair share of these technical and experienced men it will have to be prepared to offer adequate salaries in order to obtain their services. In addition, I should like to mention that there are well experienced and qualified engineers in the service already, and Government is going to find it very difficult to retain their services and keep them as satisfied officers of the service unless they are offered adequate remuneration.

The hon. Member for Kiambu raised the question of the Kenya Girls High School and asked when it would be built. My hon. friend the Director of Education has already referred to that. I do not profess to be any better at prophesying than he is and, in fact, we have both hit on about the same time without reference to each other. Whether he has referred to another member of my department or not I do not know. I have actually investigated the matter and gone into it on more or less the capacity of any contractor in this Colony to build, and the rate at which he can build in any one month, and I have come to the conclusion that a school of that magnitude could not really be ready for occupation for another two and a half years. I should like to confirm what the hon. Director of Education has said, and that is that the work has definitely been entrusted—the design of the building that is—to a local, and I should say prominent, firm of architects in this town. It also depends to a large extent on the availability of materials and whether they become in easier supply during the course of the next year or so. A nearer date than that I am afraid I am not prepared to put on a building of that size. Anyway, the work of preparing the drawings and planning the building of a school such as that (I think that something in the neighbourhood of 900 is now contemplated) with an appreciable number of draughtsmen and architects working on them will take eight to nine months to prepare alone, before even the foundations could be laid. What I must stress is that it is no use laying foundations until you have your plans complete. That has been done in this country before now, with not very great success! (Laughter.)

[Mr. Boyd]

The hon. member Dr. Rana pointed out that Government had not built any Indian schools in Mombasa. I am rather following on what the hon. Director of Education said, but I have made notes on it too, and I can confirm that we are at present negotiating for the purchase of the Indian Girls School, Mombasa, and money has been provided by Government for such purpose, but the chairman of the company is at present away and negotiations cannot be carried out until he comes back. It is, however, hoped that those negotiations will be completed by the end of the year.

The hon. member also raised the question of Indian schools throughout the Colony and mentioned, among others, the Indian Girls School, Nairobi, the Indian Primary School, Nairobi, the Indian School, Nakuru, the Indian Primary School, Mombasa. If the hon. member will study the Draft Estimates he will find financial provision has been made for all these schools; or rather for starting all these schools in 1946, under Head 14, Items 11 to 14 inclusive, in the Development Estimates. I should warn him that it may not be possible to start all these schools in 1946, and another point is he cannot expect Indian schools to be the only schools to be built or commenced in 1946. As regards the Indian Girls School, Nairobi, the plans are fairly well advanced in my office. The Indian Primary School, Nairobi, is already promised to a private architect in Nairobi. The Indian School, Nakuru, has also been promised to another firm of architects in Nairobi, and the Indian Primary School, Mombasa, has been promised to an architect in Mombasa. If these architects get on with the job and if the staff can be provided there is no reason why contracts should not be let in the comparatively near future for those schools.

The hon. member then proceeded to the vexed question of Nyali Bridge; in fact, quite a number of members have mentioned it, notably the hon. Arab member and the hon. Member for Mombasa. There is no doubt that the purchase of this bridge would save the inhabitants on the mainland considerable expenditure and would enhance the value of property on the mainland, but I am not prepared to recommend to Govern-

ment that the bridge should be purchased, as on inspection it has been found that the underwater work, i.e. the pontoons, is in very bad condition indeed and I should not be prepared to allow Government to embark on a project such as that. Apart from the underwater work, the cost of maintaining the decking is prohibitive, and there is no doubt that a bridge of that nature, carrying the traffic it does, should have a concrete deck, and I see no reason why Government should be saddled with that. The question was raised of a subsidy to the company so that the tolls could be reduced by 50 per cent. I have not had an opportunity of going into this, but I can assure hon. members that I will go into it and put representations forward to Government in due course. I believe the hon. Arab member also raised the question of raising the tolls at the present time. As far as I can ascertain, it is not the tolls that have been raised but the concessions that have been granted in the past are now being removed and this is causing considerable hardship. I will also go into that question and see what can be done about it.

The hon. Member for Trans Nzoia suggested that we should wait a couple of years before attempting the development and reconstruction programme and by that time salaries would have dropped. If that course is adopted, we might as well give up the idea of development altogether, because even if we recruit purely technical officers immediately we are not likely to get them before 1946, and by the time they are trained in local conditions and in some way are effective I do not know what year we would start on the programme.

MAJOR KEYSER: On a point of explanation, I cannot remember saying that at all. I said I did not think we should enter into contracts with new officers on improved terms of service, but that they should be temporary contracts. I cannot remember the other suggestion.

MR. BOYD: I apologize to the hon. member, but I distinctly remember him saying we should put off engaging these people until salaries dropped! (Laughter.) I will accept his explanation and apologize.

Referring to the provision for additions to Kitale hospital which was cut out of the Estimates, that was done in the first



[Mr. Boyd]

If the standards were reduced the cost and estimates could be, but in the first instance we were naturally estimating on a repetition of what exists already. I beg to disagree with the hon. member in respect of his statement regarding Nakuru contractors. My experience has been otherwise. I inspected two houses as recently as last month built by a local contractor, and I have no desire to witness such shocking workmanship again. (Laughter.) I agree on the other hand with the hon. member that it is penny wise and pound foolish to cut down on road maintenance, and I strongly advocate the provision of adequate maintenance funds for both district council and Public Works Department roads. I have already dealt with this subject.

The hon. Arab member raised the question of the coast roads. It is recognized that these roads are not up to the standard of most up-country roads, but the majority of the coast roads are not on their proper alignment, and until additional engineers are available it is not possible to get the necessary surveys carried out. Meanwhile, I would remind the hon. member that £34,000 has been expended in the last four years on improvements to certain sections of the coast roads which are said to be on their correct alignment. A sum of money was included in the original draft estimates for improving the South Coast Road as a link with the new Tanga alignment when constructed. This has been transferred to Head 9, Item 1, D.A.R.A. estimates within the general figure of £150,000. The re-survey of the new Tanga alignment raised by the hon. Member for Mombasa has now been completed, and plans are already nearing completion; in fact, I was examining them this afternoon, and they will take a further month to complete, and the estimates should be ready in January, so that with average luck we should be able to let the contracts fairly early in the new year. It will be appreciated that the sum in the estimates will not meet the expenditure anticipated on the road, but this has already been mentioned on several previous occasions. The execution of the work is also dependent on the necessary supervisory staff becoming available. The realignment of the Mombasa-Lamu road is also dependent on a location engineer

and surveyor being obtained. We have at the moment one European and one Asian location engineer, and the former is no longer in his first youth and finds the locating of roads a somewhat arduous task. The work of a location engineer calls for youth and energy; large tracts of land have to be covered in order to ensure that the best alignment is achieved.

The hon. member also raised the question of the realignment of the Mombasa-Malindi road, which is part of the Mombasa-Lamu road, but I am surprised and, to say the least of it, pained, to think my hon. friend would advocate that a main trunk road should meander through such villages as Kisumu when they could easily be by-passed. Does the hon. member wish to perpetuate the present alignment with buildings on the verge of the carriageway, the owners of which could claim enormous compensation if they had to be moved, with the ever present menace of goats and chickens, not to mention children straying on the road, when the road is developed for fast moving traffic? Trunk roads should follow the best engineering alignment between the points to be served and at the same time by-pass all small towns and villages wherever possible. Such small towns and villages could be connected with suitable link roads and would not suffer any hardship thereby but would benefit by avoiding the menace of fast moving through traffic which has no interest in their welfare or, for that matter, the existence of either the town or village in most instances.

I was not able to hear the hon. member Mr. Pritam very well, but I do not think he had any question which he wanted me to answer. (Laughter.) The hon. Member for Nairobi North reiterated the points raised by previous speakers in regard to the necessity for expanding the Public Works Department in order to undertake contract work. Well, I have already explained in previous remarks what the position is. Additional staff is actually required to plan and let contracts in the preliminary stages and to supervise them when let. He made various representations of the inadequacy of the police force and the increasing number of thefts in Nairobi. The principle in regard to contracts is very similar. Inadequate care in preparing

[Mr. Boyd]

contracts and inadequate supervision during their execution is tantamount to giving the contractor a free hand to do what he likes with public funds. I trust this is not what the hon. member advocated?

As the hon. member appears to be under the impression that there is a large expansion envisaged in the Public Works Department, I would draw his attention to one or two facts about which he may be unaware. For many years now the department has struggled to run four divisions with only two executive engineers, grade 1. The 1946 Estimates merely rectify this. Engineers, like myself, have stagnated for years in the lower grades without promotion. The increased provision under the cadre of engineers is only slightly in excess of £1,300. The quantity surveying branch has been strengthened in order to cope with contracts, one extra post has been provided, and the previously existing one has been brought back by the return of a member of His Majesty's Forces, who has not been paid from my estimates for some years, and this means an addition of £1,385. The Asian side of the department has been increased by the inclusion of extra sub-draftsmen and sub-surveyors to cope with the increased volume of preliminary work. These men have been employed in a temporary capacity for many years, and it is only right that they should be given permanent status. This applies throughout the Asian staff and, similarly, the African staff. The increase amounts to £5,500, but this is offset to a certain extent by the savings in reliefs of £2,000. The items in which the biggest increase is reflected are 59 and 60, leave pay to retiring officers, £3,247, and cost of living allowances, an increase of £6,202, making a total of 99,449 in all. I mention this because the actual increase shown does not take into account or show clearly that these are the main causes. The increase in the stores staff has been sorely needed for many years, and this is borne out by the very unsatisfactory state of the stores organization in recent years. The increase is not so formidable as it appears at first sight, as just under £6,000 shows as savings under the main head. On the hydrographic side, the increase is mainly on account of the administration of the

water law. The additional provision is for water bailiffs and water guards, as well as the extra cost of transport and travelling. This latter item has been increased throughout the estimates. The cost of operation of all water supplies has increased owing to the increased levels of wages and the cost of treatment materials generally. On analysis, therefore, the increase in Head 34 cannot be considered in the light of expansion of the department, especially when the revenue earned by water supplies operated by the department is over £100,000.

The hon. member also raised the question as to why certain works are shown under Head 42, Public Works Extraordinary, and others under Head 14 on the Development and Reconstruction side of the Estimates. As has already been explained, the majority of works included under Head 42 are works for which funds have already been provided in this year's Estimates but which the department has been unable to undertake. In fact almost all are revotes or the balance of funds required to carry out works over a period of two years or more. Head 14 of the Development and Reconstruction Authority estimates, on the other hand, includes items which are considered as new and major development projects. As a specific instance the hon. member mentioned item c (1) of Head 42, Public Works Extraordinary—African staff quarters, Maseno, and compared this with item 1 of the Development and Reconstruction estimates—Staff quarters, Central Province. The former, that is Maseno, is a small scheme already in hand, comprising two three-roomed houses for an African veterinary officer and a Makerere teacher, and £500 is a revote in 1946 of money previously provided; whereas the latter is considered as part of the development programme for providing improved African staff quarters throughout the Colony.

I can assure the hon. Member for Usin Gishu that I deprecate the state of public buildings as much as he does. In many instances they are a disgrace and, what is more, they have been condemned in many instances in the past. Lack of maintenance funds and material during the course of the war has not improved the position, but it is hoped that additional maintenance will be possible in

[Mr. Boyd] 1946. I heartily agree that buildings can be less elaborate; frills can be removed and a more simple specification can be adopted. As already mentioned, a very high standard was set by Sir Herbert Baker in his buildings and it is difficult now to educate people to a lower standard when they can see what has already been attained. I can assure the hon. member that efforts are being made generally to examine the cost of buildings and to reduce them, but it must be emphasized that to reduce the cost, a lower standard must be accepted. It is uneconomic to go below a certain standard as then the increased costs of maintenance offset any decrease in capital expenditure. I accept it as a compliment to the Public Works Department that the hon. member suggested that the department has the ability to construct buildings that will last 500 years. Neither of us has much likelihood of being able to prove it one way or the other!

The hon. member referred to the main road to Nakuru, which has at one time, I believe, been referred to as the Jubilee Road. I had intended to foretell any remarks the hon. Member for Nyanza might have been going to make about the said Jubilee Road, and my hon. friend has now given me that opportunity. I thank him! I am not altogether clear as to what is the origin of the description "Jubilee"; but I presume it refers to the Silver Jubilee of our present Majesty's reign, i.e. about 1961, and that that is the anticipated date of completion. I think I am right in saying that was what was intended. I can reassure hon. members that on present indications it will not take quite as long as that. Actually the Escarpment section is virtually completed and would be open to traffic at the present time if it were not for the link road of approximately two miles which, with the present rain, might involve motorists in the risk of becoming bogged, and in consequence I did not consider it advisable to open the Escarpment section in those circumstances. I am prepared, however, to issue passes to any of the hon. members from up-country who may like to travel on that road, provided they do not blame the Public Works Department for getting bogged on the link road getting to it. The remaining

portion to join with the existing main road—that is the two miles of by-pass—should be completed by the end of the year. That is our present programme, and members will be able to drive, at any rate from the junction at Limuru to Kijabe, with a certain amount of comfort.

Regarding the Kijabe-Naivasha section, I can inform hon. members that a well-equipped bitumen company is arriving at any moment from Tanganyika and will take over this section, and should be in a position, having first class equipment, to complete that section in the comparatively near future. I am not going to give any date (laughter), as a number of dates have been given up to the moment and nobody has been able to keep to them. All I can say is that every endeavour will be made to get that road through with the utmost expedition, and we propose to open stretches at a time of upwards of five miles, because the two roads run contiguous and that is fairly easy, but it was not such a simple matter in the case of the Escarpment section.

I have dealt, I think, with the Nyali bridge tolls to the satisfaction of the various members who have mentioned it. (Laughter.)

Referring now to the hon. Member for Mombasa, there are one or two remarks of his which I left over. I shall be only too pleased to co-operate with the Standing Finance Committee sub-committee on the costing of the department. As regards the houses which he mentioned, if he will let me have copies of the plans he referred to, I should very much like to examine them, and will have them estimated for here and see whether we cannot compete with the Tanganyika Public Works Department. Actually, we have produced drawings of a house just recently which is estimated to cost just about the same figure as the larger one he quoted, but without his plans to compare with mine. I cannot say whether they are comparable in area, floor space or number of rooms.

As regards his suggestion that the Public Works Department should come under the Development and Reconstruction Authority, I do not actually think that would work altogether because

[Mr. Boyd] the Public Works Department carries out various functions, such as maintenance of buildings and roads, operation of water supplies and so on, all over the country, and the object of the Development and Reconstruction Authority is to develop new projects. There is no doubt the department will be the agents for a large proportion of the works carried out under the Authority, and we will naturally carry out such works to the best of our ability, but I do not think that it would be possible for the department to be actually under the Authority. I dare say the hon. Chairman of the Authority will have more to say on that subject in due course.

The last matter which I think the hon. Member for Mombasa raised was the trough for watering animals at Changamwe. Since I last dealt with it I have been into the question with the hydraulic engineer this afternoon, and we still feel that if we produced the trough without any control at a place like Changamwe, we should get the whole neighbourhood obtaining their water supply from the trough. That is the only reason why one has been a bit chary about installing such a device. All they have to do is to empty the trough at night by using buckets out of it to their heart's content and the trough would fill again automatically through the ball valve. It is not so much a question of losing revenue, but it is not a thing one wishes to encourage! What I feel is that the trough should be the responsibility of the Municipality of Mombasa; it is within their area and they ought to pay for any water that Government can do is to offer the Municipality water at, say, half rates, on a metered system, for that trough. I think my hon. friend will appreciate the danger of installing a trough at which anybody can help themselves to any time! I do not wish to appear inhumane: I merely feel that we do not want to provide a facility which may be abused.

DR. RANA: On a point of order, may I inform the hon. Director that the Mombasa Municipal Board cannot levy even one cent on anybody; it is only the Public Works Department who can do that, and we have no authority whatsoever.

Mr. Boyd: I am not suggesting to the hon. member that they have any authority over the water supply at all. (Laughter.) I am only suggesting that they should install or be responsible for the trough and pay for the water to it. We will let them have it at considerably reduced rates—I said half, if that can be arranged. I have discussed that matter far enough and I will go into it again and see what arrangements we can make.

Finally, I should like once again to stress the necessity for co-operation. Caustic criticism gets us nowhere. Let us get on with the job of development and reconstruction together and in the most economical manner, but let me point out that this will not necessarily always be the cheapest manner. I should like to reciprocate with my hon. friend the Member for Nairobi North in thanking you, sir, and the hon. members for your patience and forbearance in listening to me for, I am afraid, a somewhat lengthy period on this the first time I have had the privilege of addressing this Council. (Applause.)

MR. WILLBOURN (Postmaster General): Your Excellency, there are just a few points of explanation that I should like to give to the Council on the estimates of the Posts and Telegraphs Department:

On page 195, item 34, provision is made under the Colonial Development and Welfare Authority for a central engineering school for the Post Office. From as far back as the early 1920's my department has gone in for a policy of employing Africans to a considerable extent, progressively so. At the end of the 1914/18 war there were less than a dozen Africans in my department, other than messengers, labourers and porters. In the estimates we have before us there are 700 more on the traffic side and 500 more on the engineering side, that is exactly 100 times more than there were 25 years ago. A further policy of the department has been to introduce modern equipment—automatic telephone exchange carrier equipment for trunk lines and water frequency apparatus for telegraphs—and this modern equipment needs a very high standard of construction and a very high standard of maintenance for its successful working. This

[Mr. Willbourn] school we are providing here is to train the African to take his proper part in the high standard of maintenance and high standard of construction.

On page 191 is shown the staff which will be devoted to the planning for the development of my department for the three territories, Kenya, Uganda and Tanganyika. The staff looks perhaps at first sight to be rather heavy for planning work, but the planning is to cover a very large area. The other two territories have programmes that are nearly as big as that of Kenya. It is proposed that this team should be divided into three sections. The hon. mover of this motion referred to the reconstruction of the Accounts Branch, the introduction of commercial accounts and the introduction of renewals and betterment funds. One section of this planning team will devote itself to the valuation of the plant and assets of the department. That is a first step to the introduction of the change. I personally am looking forward to the day when that organization is complete. I look forward to the day when I shall send in my expenditure estimates and my hon. friend the Financial Secretary will say "Look here, P.M.G., your estimate is too low" (Laughter.) If you do not invest capital you cannot get more revenue. When that day comes... (MR. BOUWER: You will drop down dead!) (Laughter.)—the hon. Member for Uasin Gishu will be coming somewhere nearer the time when he will realize the wish that he expressed this morning just before he sat down—that is for him to see me or somebody in my department wandering round with a telephone instrument under each arm trying to find a user for it. The other two sections of this team will be devoted one to the apparatus of telephone exchanges side of the work and the other to cables and overhead lines.

On page 107—coming to the recurrent estimates—item 5, provision is made for two additional posts of two postmasters. They have got on the wrong side of the Estimates, and steps will be taken in committee stage to transfer those two posts to the Development side of the budget. During the war the African arkarri has become accustomed to getting his mail from his relatives and friends at home

and has looked forward to receiving that mail every bit as much as the British soldier has. These two posts are provided for an extensive and intensive postal survey of the needs of the African. This, again, concerns the three territories.

The hon. Member for Nairobi North had one or two points to make in connexion with my department. He told us that the business community, the townspeople, whom he represents had no doubt that the department is used as an instrument of taxation. I think he did not make that statement with any intention of challenging the policy of introducing commercial accounts, because those accounts will show not only whether the department as a whole is an instrument of taxation, but it will show if any particular service of the department is running at a loss and being subsidized by some other service of the department.

MR. VASEY: On a point of explanation, I did not say it was an instrument of taxation. I said vexation!

MR. WILLBOURN: A further point the hon. member made was a personal recommendation to myself that I should come down from Mount Pleasant, as he called it, and meet commercial bodies to discuss postal matters with them and their postal needs. I shall take his advice.

The hon. member also made reference to the savings bank van services and asked that the cost of this should be taken out of War Expenditure, Civil, and debited Savings Bank Services. My own view is that it would be premature to do that. The Post Office savings bank runs on a very fine margin indeed. Investments to-day—gilt-edged investments—bring in about 3 per cent. The Post Office savings bank pays out 2½ per cent on its deposits, and there is a very small margin indeed for working expenses. These savings bank vans are run more as an advertisement, as publicity for thrift than as van services, and I think until those vans do produce sufficient deposits to make it a paying proposition; or at least nearly a paying proposition, the costs should be borne under a separate head of expenditure.

The hon. Member for Mombasa referred to the revenue estimates, page 17.

[Mr. Willbourn] Head 4, item 1, sale of stamps, and asked for an explanation for the reduction of £30,000 estimated for next year. Well, this is a guess, but it is a pretty certain guess. A few years before the war, and the first year or so after the war started, the Empire air mail scheme was on an all-up basis. During the last few years there has been a surcharge of Sh. 1/30 per half ounce and collections from that have gone into this head for the sale of stamps. But we have already got the York service started, and next year it will be expanded. There will be some revision of the basis of the Empire air mail service, but I do not think we will go back to an all-up basis. I do not think the countries of the Empire would agree to it, but I think there will be some revision. What it will be I do not know, and it is in anticipation of a reduced surcharge that we budgeted for £30,000 less this year.

That is all I have to say about the Post Office, but there is just one point that was raised by the Member for Western Area—censorship, Head 43, item 22, £100 censorship operations in the 24th Colony ceased altogether on the 24th August. Some of the staff has worked for the whole war in that department; they had earned leave. Some of that leave will extend into the first few weeks of 1946; hence the £100.

ACTING DIRECTOR OF MEDICAL SERVICES (Dr. Lockhart): Sir, very few harsh words have been spoken of the Medical Department in this debate, for which I am duly grateful, and such criticisms as there were were equally divided between those who desire an expansion of the services and those who are alarmed at the present rate of expenditure. In consequence, I feel it is legitimate to conclude that these Estimates represent, perhaps, as fair a compromise as could be obtained in the circumstances.

Of those hon. members who desire an extension of services, the hon. member Dr. Rana would like further specialization, and further specialization is the method by which the standard of medical treatment is raised; the hon. member Mr. Pritam would like an extension of Asian hospitalization in the Nyanza

Province; the hon. member Stheriff Abubaka Salim an improvement in the hospital accommodation for Arabs at Mombasa; and the hon. member Mr. Mathu an extension of African hospitalization. There is a good case for all of these—and at a price they can be provided—and there is a good case also for an extension of medical services in many other directions, but I think hon. members should notice the very large extension of hospital services that has been provided in the last two years. In that period, there has been added to the native hospitals, or is at present in process of being added, accommodation for 800 beds, which is approximately 30 per cent of the figure from which the expansion started; in addition, we have recently opened 20 Asian beds. Although there is, of course, much more to be done, that is, in wartime, in fact, a very great advance, and the major part of the increase in the expenditure for 1946 arises from the necessity of providing for the operation of those additional beds. Although the expansion of the hospital side has been so very creditable during the war, it has not been possible to maintain the preventive services, largely because of lack of staff, and the opportunity is now being taken, since there is now some prospect that staff can be obtained, to bring the preventive side as far as possible into proper relationship with the hospital side, and that represents the other large single increase in the votes of this department. It is proposed to add very considerably to the division of insect-borne diseases, which is exclusively preventive and deals with the major preventable diseases which occur in this country, and I am sure hon. members will support that; I am sure that at least the hon. Member for Ukamba will as a general policy. That presents in the main the explanation of the increase in the vote of the Medical Department.

There were certain points raised in the debate. The hon. Member for Ukamba inquired whether revenue could not be acquired by charging fees to Africans. Apart from the practical difficulties of collecting small sums from Africans by Africans at hospitals and dispensaries all over the country, this method of charging for personal medical attention individually is everywhere being abandoned and it is being replaced by communal

[Dr. Lockhart] payment, either from general taxation or by some form of compulsory insurance, and that is a method of choice. This Council will have before it very shortly for its approval a proposal that that method be applied in respect of European hospitalization. I sincerely hope that the Asian community will be able to adopt a similar method, and I am sure that it will solve many of the difficulties of the Asian community in respect of their hospital services. The local native councils already contribute to their own hospital services, and I hope when they become better off that they will extend their contributions. The communal method is a method of choice, and I hope it will continue to be adopted instead of individual payments.

The hon. Member for Kiambu raised the question of the training of African nurses. Training does in fact go on, and has been going on for many years, on the apprentice basis at individual hospitals by the nursing staff of those hospitals. As a result, we have a large number of highly skilled women, but there is no central school because there are no premises in which one can be established. When the African block at the group hospital is recovered from military occupation premises will be available, and it is the intention of the department to extend the training of African men and women there. The hon. member Dr. Rana raised the question of private practice by members of the department. The principle in operation is that where the public is assured of medical attention by private practitioners in any place, private practice by members of the department is prohibited, and in a number of towns it is so prohibited. I am sure that we should be prepared to consider the extension of the prohibition to other places. The question of the Kitale hospital was dealt with by the hon. Director of Public Works, and I will undertake to put it forward to the Standing Finance Committee.

Finally, the hon. Member for Uasin Gishu raised the very important question of population and, as far as I could understand his argument, he finally came to the conclusion that the only real solution was the abolition of the medical service. (MR. BOUWER: I stated my

point most emphatically—I must not be understood.) (Laughter.) Well, it may be that if the medical services were abolished it might reduce the rate of increase of the population, although I must say that many people are inclined to blame the medical profession for raising the death rate. But, in any case, the question of population trends is a very large one, and this is not the appropriate time for a disquisition on it. Furthermore, I have recently had news which makes me an unsuitable person to give such a disquisition, for I have heard to-day that the substantive Director of Medical Services arrived in Mombasa this afternoon, and I should not like to embarrass him by committing him to anything said by me. (Laughter.)

I beg to support the motion.

COMMISSIONER FOR LOCAL GOVERNMENT AND LANDS (MR. MORTIMER): Your Excellency, comparatively few points have been raised in the debate for me to answer. In consequence, I do not propose to occupy the time of Council for more than a very few minutes.

Two of the hon. Indian members, Mr. Thakore and Mr. Pitam, raised their hardy annual of Indian land settlement, and I am thankful to say for the first time that that is no longer my responsibility (laughter), but I will cheerfully pass it to my hon. friend the Member for Agriculture and Natural Resources. The hon. member Mr. Thakore raised the question of leases for *shamba* plots in Nairobi. These *shamba* plots have a very long history. They were originally granted in 1903 on 10-year leases. The occupation has been continued ever since that time on yearly agreements. In 1939 the Government agreed upon a policy of granting long leases to the holders of those plots. (MR. SHAMSUDD-DEEN: 1922.) In 1922 an offer was made to the Indian community by Sir Edward Northey, but it was not taken up at that time. In 1939 the matter came to a head, and an offer was made to the Indian community of the grant of long leases of those plots with revised boundaries to fit in with the town planning scheme which was already prepared. War broke out, all the surveyors attached to my department, with very few exceptions, were taken for military ser-

(Mr. Mortimer) and have not yet been released, and it has been impossible to get any work done in surveying these *shamba* plots, and I very much regret that that is the case. The Municipal Council of Nairobi has expressed recently some concern about the town planning scheme which was approved in 1926 for these *shamba* plots, and has expressed a desire to have a revised scheme. That has also involved further delay. The 1926 scheme was not, in the light of to-day's knowledge of town planning principles, a good one, and it can be improved upon. It will relieve the mind of the hon. member to know that I have deputed one of the officers of the survey staff of my department to make this a priority job together with the municipal staff to try to get something accomplished during next year, which will relieve to a considerable extent the pressure on housing accommodation among the Indian community. When building materials are available and leases granted for these plots, I have no doubt the Indian community will respond by the erection of a really good type of house with ample open space and will avoid the creation of slums.

The hon. member also referred to the delay in my department in the passing of survey plans. No one regrets that more than I do. That delay has been a persistent factor for a good many years. When I took over the department there were very heavy arrears in the passing of survey plans. The department had been short staffed on the survey side for many years preceding that time, and in 1939 we were just beginning to get up to our normal survey establishment when war broke out, the surveyors were all taken off, and they have not yet come back. A trickle is coming back into the department now, but no relief is felt because of sickness and leave arrangements. Members of the staff have worked for long years without leave, and leave arrangements have now had to be made. There have also been one or two transfers. All these things have resulted in the department as yet feeling no beneficial effect from the end of the war. The actual number of surveys awaiting examination at the end of last year was 240; at the end of September this year we had been able to reduce that to 212. I sincerely hope within the next year or 18 months,

when we get the staff back to normal conditions, to be able to wipe off all those arrears. No blame can be attributed to the survey section of the department. They have worked hard and for long hours at their arduous work, but they just cannot do 24 hours work in 12.

The hon. member Dr. Rana asked why the European community of Mombasa had not adopted the elective principle for their municipal representation. That, of course, is a matter for the European community of Mombasa, and I am sure they will appreciate the interest of the hon. member in their political well-being. (Laughter.) The truth is that the European community of Mombasa appears, for some reason best known to themselves, to prefer the nomination principle for their municipal representation. I can assure hon. members that if I have any substantial evidence that the European community of Mombasa desires to change their method of representation I shall have no hesitation whatever in asking Your Excellency to appoint the Commissioner for Local Government to inquire into the matter and to report whether the time has come when a change should be made and the elective principle should be adopted. In 1939 the elective principle was adopted for some seats. Only about 25 per cent of the European community who were entitled to be on the electoral roll took the trouble to get themselves enrolled. When the time for election came, it was a single candidate came forward. Not a single candidate came forward. It was postponed, but not one came forward. I conducted an inquiry into the reasons for the failure, and the evidence was clear that the majority of the European community did not want elections. If they do, they are entitled to have them, and I have no doubt they will get them.

The hon. member also asked about the African membership of the Mombasa Municipal Board. Personally, and I think I am speaking for yourself, sir, and the Government in general, we welcome that tendency and we should welcome African representation on municipal local authorities when the time is ripe. In Nairobi there has been a native advisory council for some two or three years, and the Municipal Council has co-opted two members from that council to sit with the Native Affairs Committee of the

[Mr. Mortimer]

Council to get an insight into municipal affairs. The time is now ripe. I am sure, in Nairobi, for African representation on the full Council. The hon. Attorney General and myself were appointed as a commission of inquiry into this proposal about a year ago, and I think it is no secret if I say that we are about to recommend to Your Excellency that African representation shall be an effective part of municipal government in Nairobi in the very near future. So far as Mombasa is concerned, the situation is rather different. There has been no period of apprenticeship for Africans in Mombasa, no period in which they could gain an insight into municipal affairs and during which the municipal authorities could test out the ability of Africans in Mombasa to take an active part in municipal life, so what the Standing Committee for Local Government has proposed, and this proposal has been approved by His Excellency in Council, is that there shall first be established a native advisory council, and that that council shall delegate representatives to meet with the appropriate municipal committee. Then when the time is ripe I have no doubt that the further stage will come when there will be full African representation on the municipal board.

The hon. Member for Trans Nzoia asked what the position was about wartime agricultural leases. The policy of granting agricultural leases during wartime was adopted for production purposes in order to take part in the production drive. Some leases expire at the end of this year. The proposal that I am making is that they shall continue on their present basis subject to six months' notice until it is decided what shall be done with those particular pieces of land.

The hon. member Mr. Pritam asked what the position was about the layout of townships and the granting of long leases for business plots and for residential plots. The position is that there are still a number of smaller townships and trading centres, particularly in the native land units, where there has been no proper layout, no town planning scheme, and no survey. Consequently, no long leases can be granted. In the trading centres one can hold out no hope of long leases with the exception of two or three

that are, sooner or later, to be regraded as Class B townships. With the present shortage of staff it is impossible for this kind of work to be undertaken in the very near future, but I promise the hon. member that it will be tackled as soon as it is practicable. The hon. member also raised the question which he has made peculiarly his own; that is, the provision of cemeteries and crematoria for members of his community in the various townships and trading centres. I have asked the hon. Chief Secretary to place that subject on the agenda for the next meeting of the provincial commissioners in order that some uniform policy might be adopted applicable throughout the native land units.

The hon. member for Mombasa raised a question about an increase of the estate duty estimate from £15,000 to £40,000 and seemed to think that came within my purview. As a matter of fact, although I am one of the Estate Duty Commissioners, I was not responsible for preparing that particular estimate and do not know precisely what that increase presages. (Laughter.) But I do sincerely hope that it is not to be taken as an anticipation on anybody's part of the early demise of the hon. Member for Mombasa. (Laughter.)

I beg to support the motion.

The debate was adjourned.

#### ADJOURNMENT

Council rose at 6.10 p.m. and adjourned until 10 a.m. on Thursday, 29th November, 1945.

Thursday, 29th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 29th November, 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 28th November, 1945, were confirmed.

#### DRAFT ESTIMATES: KENYA AND D.A.R.A.

##### REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. PATEL: Your Excellency, in regard to the revenue side I have a few remarks to make.

I agree with the hon. Member for Nairobi North that the Government ought to have taken steps first to give relief to the persons in the lower grade incomes, and even now I think the Government should take steps to reverse the decision in regard to the complete remission of the excess profits tax, giving partial remission only, and should afford relief to persons who are placed in the lower grade incomes. In regard to one item on page 15 which the hon. member Mr. Mathu referred to in the course of his speech, I entirely support the hon. members representing African interests that the native registration system must go. In my submission it is unfair that Kenya, when the adjoining territories of Tanganyika and Uganda can do without that system, should continue it in 1946.

Regarding item 15, page 15, Estate Duty, the hon. Member for Mombasa made a plea for a repeal of the Estate Duty Ordinance. I am entirely against his proposal. It is a very fair tax and is recognised as fair all over the world. It is wrong at this time, when it has been accepted as a fair tax all round, to repeal such an Ordinance. Large estate owners must be ready to make sacrifices and to pay tax according to their capacity. I must say that in this country the bulk of the European population and a minority of the rich Indian population are in the top class and must pay tax according to their capacity, while the bulk of the Indian community

and the Arab community and a few Africans form the middle class in this country and can pay tax according to their capacity only. I submit that estate duty and income tax are very fair taxes for this country and in no instance should they be repealed.

There was one statement made by the hon. Acting Financial Secretary in regard to what he called the rich Africans. If I may quote him he said: "It is generally admitted that the present system of poll tax is unsatisfactory in that it imposes an equal burden on the rich and the poor. There are in fact a very great many well-to-do Africans who, because of the unfortunate incidence of this tax, pay very little in relation to their taxable capacity. We have designs on these gentlemen and I hope that it will be possible before very long to introduce a form of income tax suitable for application to Africans." I oppose wholeheartedly any attempt to introduce one more racial statute in this country. What should be done is to take the long range view and exercise a little greater vision, and educate these rich Africans to raise their standard of living and thus pay indirectly taxation, as other sections of the population are doing. They should be educated to live in better houses and spend more money. In case it is found necessary to tax these so-called rich Africans, I suggest that at present they should be taxed only for the purpose of using money so raised in the native reserves, but the country generally should not add any more racial statutes in this country. I am suggesting that there should be common legislation in this country—modern legislation which is applicable to all on equal terms—and that we should not bring in legislation applicable to each section of the population differently. (Members: Income tax.) Well, I am against any form of racial legislation because it is a wrong principle, and if my hon. friends on this side want to suggest that there should be separate taxation for each community, I would urge them also to consider that there should be equal opportunity for everyone to earn in this country according to their merits and not, by artificial means with the help of administrative machinery and by the help of the administration, to allow some people only to make money. I know that does not suit you! (Laughter.)

[Mr. Patel]

The hon. member Mr. Mathu also raised the question of raising wages. Of course, I know that will not suit you again. (Mr. VINCENT: Nor you!) I think that just as it is essential to protect the land, it is also essential that minimum wages should be paid to all inhabitants of this country to see that they get a subsistence allowance. I know that people on this side will again urge that there is no efficiency in labour and therefore wages cannot be increased. The only way is to have an efficiency drive and to educate people to acquire more skill with a view to improving the efficiency of their work by some method. If you can have a drive to improve the land you can certainly have a drive to improve the inhabitants of this country in efficiency. It is no use saying you cannot pay minimum wages because they do not do the work.

I also support the hon. member Mr. Mathu in regard to his plea for removing restrictions against the Africans in regard to the purchase of beer and entering cinema theatres. It may be now, and perhaps ultimately, that it will not be in the interests of the bulk of the African population to do so, but then the Government will have to consider and satisfy the educated or advanced African, and will have to find ways and means to see that their feelings are not hurt by making discrimination against them.

Government intends to have a fiscal survey. It has been welcomed from the unofficial side. I also welcome it, but I want to make some remarks on one sentence used by the hon. Member for Nairobi South. He said "We are not satisfied about the incidence of taxation between communities." I welcome the fact that an investigation will be made about the incidence of taxation between communities, but at the same time I suggest that some expert should be invited to investigate the income per head in every section of the population, and also to advise the Government as to how the difference in the income per head in the different sections of population can be levelled up, as they are attempting to do in England to-day. I also suggest that a serious effort should be made by the Government to level up the incomes between the different groups without im-

pairing the efficiency of the inhabitants of this country.

In regard to expenditure I have certain general remarks to make. The hon. Member for the Coast made some remarks in regard to standards of living. He said that he did not think that there would be much disagreement with his contention that the standard of living in this country was far too high compared with its natural means. This had been brought about by the presence in the country of a number of wealthy people who had, naturally, caused the lower income groups to raise their living standard. But unless the living standard was lowered, the country could not hope to carry out the programme of development before it. The people of England had lowered their own living standards in order to win the war. I have to add another point of view in regard to expenditure. In this country in the administration the tendency is not to pay according to the importance of the post, but according to the person who occupies that post. I may say that an individual with a low income cannot afford to engage highly paid servants in his house. In the same way, considering the means of this country, it is not always possible to engage highly paid officers or servants for the administration. The salary should be attached to the post according to its importance and usefulness excepting for the posts which are for specialized persons, technical persons and high officials. I submit that the posts should carry the salary and not the person holding them. Here the tendency is that in the lower grade posts the expenses are slowly raised in order to raise the standard of living of certain sections of the population. This country cannot afford to do this.

I said this in 1935 and I should like to repeat what I said in 1935 in regard to this matter: "If Government and the unofficial members also really desire to effect economy in expenditure, I think that Government has got to follow the policy which was followed in regard to employment of civil servants before 1920. I can assure this house that I am not discussing or raising this question from a racial point of view, but purely from the economic point of view. One would clearly notice that after 1920, under pressure from the unofficial side, Government had to engage Europeans

[Mr. Patel]

in the junior and clerical posts, and such employment led to an increased expenditure which was out of proportion to the means of this country. In support of what I submit, I desire to read a small paragraph from the memorandum which the Indian Congress submitted to Government last year." This is the paragraph "In the Legislative Council which took place in 1921 the late Mr. Kemp, the then treasurer, is reported to have said that from his own experience he had clerks with many years' experience who were certainly more useful and more competent than European clerks who would be on a higher rate of pay. If senior paid clerks retired, as suggested, it would result in disorganization and his own department would be thrown into confusion if Europeans were substituted. Colonel Nottley, the then Colonial Secretary, was even more definite than the Treasurer. On the strength of the figures compiled with great care by him he asserted that the Asian allowances were smaller than those of Europeans and that on the basis of the same qualifications a European in the first ten years would cost Government £4,023 as against £2,246 for an Asian." That is the end of the paragraph. I then continued: "In spite of this warning at that time from the Government side, pressure from the non-official side was continuously brought to bear and junior posts and clerical posts were increasingly filled by Europeans. This necessarily increased the expenditure of this country. To make my point clear, I will give one illustration. Assuming Your Excellency, that Government took it into its head to substitute the African constables of the Police Department by Indians. The cost of that vote would be increased tremendously. At present, African constables are paid £24 a year; instead of that, Government would have to provide at the rate of nearly £120 a year for each Indian. That would mean the expenditure of that vote would be increased five times."

I repeat that I did not raise this question from the racial point of view. What I want to suggest is that the salaries should be attached to the post for people who are competent and efficient to carry out what that post involves for that salary, instead of raising the expendi-

ture for junior posts year by year, which this country cannot afford to do.

While on this question of the Asian Civil Service, I should like to make a few remarks about the Webster Committee which was appointed last year. In regard to the European Civil Service a committee was appointed, I believe in 1938 or 1939, which was known as the Harragin Committee, and it reported. Later on, I believe in 1941, the Surridge Committee was appointed. It also made recommendations. Now I believe there is a European Civil Service Advisory Board going into all questions affecting the European Civil Service. The Asian Civil Service made representations to Government as soon as the Harragin Committee was appointed to have a similar committee appointed to examine points raised by them, and no satisfactory reply was given. Last year I gave a notice of motion to the Clerk to Legislative Council in which I intended to move for the appointment of a select committee of this Council to go into the questions raised by the Asian Civil Service. I was then approached by the hon. Chief Secretary, and told that there was not much time to discuss that motion and that he agreed to, have an *ad hoc* committee appointed, provided I withdrew my motion. I immediately withdrew that motion, and it took some months before the *ad hoc* committee was appointed under the chairmanship of Mr. Webster. I was a member of that committee. It had its first sitting last year, and after that it never met again.

When I returned from India I inquired from the hon. Acting Financial Secretary, Mr. Webster, and I believe from the hon. Chief Secretary, and I was told that as Mr. Hill was examining certain questions the work of that committee was suspended. Mr. Hill's report is out and still that committee has not commenced its work, and I understand that the terms of reference which were acceptable then to the Indian, elected members and also to the Asian, Civil Service have been altered. But the most surprising thing is that I saw one day recently the hon. Acting Financial Secretary and inquired from him whether he knew why this committee was not proceeding with its work, and he said he did not know. I then went to my office and telephoned Mr. Webster, and



[Mr. Patel] he said that the terms of reference had been revised by Mr. Troughton, the Financial Secretary, and that was why the committee had not met. As a member of that committee I desire to make it very clear that I would not like to serve on that committee if the terms of reference are to be narrowed down. If in the case of the European Civil Service examination of the whole question was made with certain terms of reference, which were also the terms of reference of the Webster Committee when it was appointed last year, which met once, and if those terms are to be narrowed because it does not suit some official in the Secretariat to have those wide terms of reference, I for one make it very clear to Your Excellency that I would not serve on that committee.

There is one very small point which affects the Public Works Department in regard to Asian quarters. I understand that the present system of building Asian quarters is to have three rooms for married civil servants with children, the size of the rooms being generally 12 ft. by 11ft. or 12 ft. by 9 ft. It is much better to give these people cheaper houses with larger space than this. I understand that the representatives of the Asian Civil Service have made proposals to the present Director of Public Works and have agreed to some plan which was prepared by his predecessor, which was acceptable to the Asian Civil Service. I also understand that if that plan is accepted it will not cost more. I hope at any rate that the Director of Public Works when he undertakes the erection of Asian quarters will take into consideration giving more space even though they may be, very simple houses.

In regard to matters raised in this Council regarding Asian civil service, whenever I have seen the present Acting Financial Secretary sitting in this Council he has always been very clever at finding excuses, but I hope that in the present case he will not follow that procedure and will state in a very straightforward manner why the Webster Committee has not commenced its work.

In regard to the Agricultural vote, my remarks are that now that there are so many organizations—the Member for Agriculture, Natural Resources and so on and this Agricultural Production

and Settlement Board, and then some committee to advise the member and to on—I wonder whether it is necessary to carry on all these organizations, or whether some sessional paper should be published in order to curtail the number of committees, which cost a great deal of money to the country. I entirely agree with the hon. member Mr. Pritam when he criticized production by using certain figures. But I may add that there are many hidden figures also, and if you look at page 99 of the Draft Estimates you will find £25,000 as a rebate on paraffin for agricultural purposes and £3,500 as a refund of duty and tax on petrol used in petrol driven tractors, and if one is studious and industrious and goes through the Estimates he can multiply the number of such cases of money spent in this direction.

While on this agricultural vote, I want to read one reply given to me last year by the hon. Director of Agriculture. In his reply on the budget debate he said: "I now come to the remark made by the hon. member Mr. Patel. He suggested that provision should be made for fruit growing in the coastal area. With that proposal 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 horticulturist for this coming year, and my hope is that I shall be able to obtain an experienced man probably 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 Indian and Arab communities are highly interested in two matters on the coast. One is the encouragement of fruit growing and another to see if any steps can be taken to increase the milk supplies, and I do not find it may be that I have not noticed it—I do not find any provision

[Mr. Patel] in these Draft Estimates, in either section, to see that any steps are taken in regard to these two matters. I should therefore like to ask the hon. Member for Agriculture and Natural Resources if he can assure the Indian and Arab communities that he will take early steps to see that something is done on the coast in regard to these two matters. I have raised them time and time again, and still we have not seen any practical results.

While on the question of the coast, I should also like to add my remarks about Nyali Bridge. This is not a new question. It was raised by the late Hon. F. A. Bemister in 1935 and ten years have gone by, and Government appears to have done very little. It appears that vested interests have won the struggle in regard to Nyali Bridge in the long run. The late Mr. Bemister asked a question in this Council in 1935: "In view of the fact that the new tariff over Nyali Bridge affects commercial vehicles only, and is thus detrimental to coast produce and building material movements, is Government prepared to take any action?" The then Chief Secretary replied: "As the new tolls are not in excess of those specified in the agreement with the Nyali Bridge and Development Company, Government is not prepared to take any action." Arising out of that, Lord Francis Scott said: "Arising out of the answer and in view of the controversy which has been going on for some time with regard to the competition against this bridge which is alleged to be contrary to the agreement, will Government refer this question to the newly appointed committee which is going into the question of transport?" The Chief Secretary replied: "Yes, sir. I think that is a very good suggestion." His Excellency the Governor said: "We will look into the matter. I would not like anything to be decided this morning." Lord Francis Scott: "I am not asking that they should give a decision, but that they should investigate the matter." His Excellency: "Control of the ferries has been handed over to the Mombasa Municipal Council, and I should therefore not like to give a definite answer now." The matter has not remained with the Mombasa Municipal Board because the company proved more powerful. To-day the company

has a monopoly and has even prevented the running of the old ferry which was very useful for Africans and also Arabs and Indians to cross that creek. Because the Nyali Bridge Company stated that it was competition against them, that ferry was stopped by the Government, and they also stopped the private boats and ferries running there, and allowed a complete monopoly in transportation to the Bridge Company.

Government even then did not take any steps to see that the people crossing the bridge were not heavily charged, and what happened? As the hon. member Dr. Rana said, owing to the shortage of housing so many people had to go and live on the mainland to the north of Mombasa. Government has a Rent Restriction Ordinance and will not allow people to increase to raise its charges on the people who had gone to the mainland to live because there were no houses on the island. One fine morning the manager gave notice to 150 people that their passes were cancelled and cyclists paying Sh. 2/50 or Sh. 5 a month for a pass have to pay Sh. 50. Then there was an agitation against it, and 147 cases were reviewed, and passes with higher charges on a new basis were issued. Three people who are clerks serving with European firms, because they were the first to approach the manager on them, say it was a great hardship on them, because they committed the offence of approaching the manager first and putting their point of view so that it was a great hardship on these residents to pay those high charges, have not been issued new passes. It is the duty of the Government which allowed the monopoly to see that the residents of this country are not treated in this fashion. I also submit that whenever a monopoly has to be granted, Government should take care that the vested interests do not prove more powerful than the local authorities in this country. In regard to the remarks of the hon. Director of Public Works, who said he would go into the question of a subsidy to that company, two points arise. One is that Government must immediately see what are reasonable charges, and the other is that if the company is not prepared to behave properly, it should be allowed to run as they did up to 1935.

[Mr. Patel]

In regard to education, it would, I think, be unfair for me to make any remarks when the hon. Director has already spoken, and as my colleagues have already raised several points I do not think I should add to them. But there are one or two points I do feel inclined to mention. One is the question of superannuation. The attitude of the Indian community is that they are prepared to accept the principle of superannuation but that there should be alternatives for those students to take technical education. In regard to that, I may mention that in 1924 the then Director of Education said that with reference to Indian education it was proposed to put up similar proposals to Government later on that there should be a certain amount of industrial training and that the present system of literary training should be reduced. What we ask Government is that there should be some kind of technical training for these boys superannuated from the secondary schools on the ground of age or dullness. But nothing has been done so far, and it is 21 years ago since that statement was made by the Director of Education. That shows how slowly we move. Another thing is that the Director of Education, when replying to some of my colleagues, stated that it was impossible to recruit trained teachers from India. Of course he cannot, because the salaries are not adequate. I have pointed out some time after time during the last ten or 15 years that this is the case. I understand the Education Department was prepared to recommend to Government scales of salary passed by the Indian Advisory Council on Education some months back, but I do not find in the Draft Estimates any reflection of that. Probably the hon. Acting Financial Secretary put his blue pencil through the recommendations of the department, and therefore we again must go without trained teachers in this country and have 80 per cent untrained teachers as the hon. Director said. I would like to know from the hon. Acting Financial Secretary whether he can even now consider the question of adequate salaries for trained teachers and accept the recommendations of the Advisory Council which the hon. Director has been agreeable to accept.

There is one small point which is very important which I want to raise. It is the reply on the matter of the sports ground given by the hon. Director to the hon. member Dr. Rana. He said the matter is in the hands of the Municipal Board. I am referring to this matter to show how the requirements of the Indian community receive consideration. This high school, the Allidia Vissram school, was built by an Indian, the late Abdulrasul Allidia Vissram, and completed in 1923 at a cost of about £50,000. A very small site was allocated for the building, and it was surrounded by cemeteries so that there was no room for expansion. I do not know why a better piece of land was not made available at the time this particular site was selected by Government for an Indian school. Furthermore, an agreement was made between the donor and the then Governor of this country. That agreement has not been fulfilled in all its terms, even after all these years. One clause was that Government would immediately give a sports ground and attach it to the school. That has not been done so far. Leaving that alone, there is no road of access even after 22 years for a school which has about 1,000 pupils and 50 teachers. If tomorrow the owners of the adjacent land detached it off, Government would have to provide aeroplanes for the teachers and pupils to get to the school! I have raised this matter since after time, but the Municipal Board has not constructed any road, and the Education Department has failed to secure any road of access. They want to extend the building, but there is no room to do so. That is the way generally, and I am giving only one instance—I could give many more—to show how matters pertaining to the Indian community generally receive consideration.

I am only giving this instance to point out how in these matters we are being treated. Do you think that if there was a European school with 100 boys and five teachers matters would have remained like this for 22 years? I may say that, that we are often told that we only raise questions which pertain to us; we are also often told that we do not take the larger viewpoint affecting the whole country, but I would say that my community is in the unhappy position of a person having a bad boil

[Mr. Patel]

on the body and giving exclusive attention to that, boil to the exclusion of the rest of the body. Therefore my remarks are directed to that part of the anatomy to the exclusion of the rest of the body. That is why we are all the time trying to solve these insoluble small problems and are unable to consider the larger point of view. I will go further and say that if there had been any tribunal in the British Commonwealth which allowed such a population to go before the Administration with its acts of omission and commission we should be able to get convictions against the colonial administration in regard to matters of omission against the Indian community and many more if that administration was not allowed to plead ignorance of the position as an individual is not allowed to plead ignorance of the law.

There is one point in regard to education that I should like to mention which was raised by the hon. Member for Nairobi North. He stated that the European community was ready to shoulder its cost of education, and he trusted that I would say the same thing on behalf of the Indian community. Well, I would have no hesitation in accepting his proposal if circumstances and chances for all communities were equal to make money in this country. (Laughter.) I know it will amuse some members a great deal, but I will ask you for a moment to exercise your imagination and see if in England by some magic the lower classes of society which form the majority, the lower wage earners, were turned into brown and yellow skins—just exercise your imagination—and they were prevented from rising higher, and at the top the rich class said to them: "We will provide for our medicine and education and you do the same for yourselves and you will not have our support." Imagine the situation. That is the situation which hon. members on this side want to create in this country, and that is why I am unable to accept the proposal of the hon. Member for Nairobi North.

In the first place, if we had the position which allows a man to advance in life according to his merits, I would certainly then be prepared to accept his

proposal that each section of the population should provide for its education or medical facilities—(Mrs. WATKINS: What about war services?) While I am on this question of education I want to refer to one question which will show again how things get done in regard to the Indian community. We have on page 194 a proposal for building an Indian primary school at Mombasa. There are three sites available: two of them are very important from the point of view of the Indian population and on one of these two there is a police station, and on the other the police lines. Unless the police lines and station are removed, the school cannot be built. There was £8,000 reserved last year in the Draft Estimates for building the Indian school, and the scheme could not be proceeded with because no site was available. The only site now available is where there is no Indian population round about, and on the two sites near which there is an Indian population there are police station and police lines. Therefore, what will happen next year is that we will say: "You reserved so much money, what has happened to the school?" The police lines will be removed in due course and thereafter the school will be built," will be the answer. I want to draw attention to this particularly, because on the same page, 194, are items 20 and 21, police headquarters and police lines, Nairobi. In the same way I suggest that whoever is concerned with drafting the Estimates should include drafting a police station and lines at Mombasa, otherwise we shall not be able to go ahead with any scheme for the erection of the primary school.

There was a suggestion made by the hon. member Mr. Shamsud-Deen in regard to the necessity for the appointment of Indian magistrates in litigation where Indians are concerned, and he gave an incident in support of his proposal. I agree with him that, as far as Mombasa is concerned, there should be an experiment made by the appointment of one Indian magistrate at Mombasa, and also one at Nairobi, and it may be made clear that only where the defendant or accused was an Indian that the case could be transferred to that magistrate, and not otherwise. I had once informed this Council that Uganda during the war made the experiment of appointing one whole-time paid Indian

[Mr. Patel] magistrate and two honorary magistrates at Jinja and Kampala, and I understand that the Chief Justice of Uganda considers the experiment a complete success. I would strongly urge the Members for Law and Order to give consideration to this proposal of the hon. member Mr. Shamsud-Deen.

Now I come to the Labour Department, and I am very glad to hear that legislation for workmen's compensation will be produced soon. I hope that it will become law as early as possible.

Coming to Local Government, Lands and Settlement, I should like to refer to Sessional Paper No. 6 of 1945, but I do not desire to repeat the arguments I advanced at the time Sessional Paper No. 3 was debated in this Council. I would only like to say that, as far as the Indian community is concerned, we are opposed to the whole scheme which Government has undertaken, and I will in due course give notice of a motion to discuss this sessional paper in this Council. But at this stage I should like to refer to two matters, and they are one, in regard to the Standing Committee for Local Government and the other in regard to district councils. There are two standing committees for local government, one of which is in regard to municipalities, on which there is one Indian member, the hon. Shamsud-Deen. We have on the Mombasa Municipal Board eight Indian members out of 21 members; we have I believe on Nairobi Municipal Council out of 21 members seven Indians. I make the plea that there should be more than one Indian member on the Standing Committee for Local Government when the reorganization is brought about. The other thing is in regard to district councils. I know again that the European elected members on this side of the Council will not like my observations, but I submit that when the reorganization takes place Indian members should be appointed on all the district councils. As hon. members are aware, the Feetham Commission in 1927 did recommend that one or two Indian members should be appointed on each district council. One only was appointed, on Nyanza District Council, and none appointed in any of the others.

In 1934 the late Mr. Isher Dass put a question in this Council: "Has the

Government received any representation from the Indian Association, Nairobi, on behalf of the Indians in the Thika, Ruira and Kikuyu districts for the nomination of an Indian member on the Nairobi District Council? If the answer be in the affirmative, will the Government please state what action is being taken?" The reply was: "The answer is in the affirmative. It is proposed to nominate one Indian member of the Nairobi District Council in due course." That was the answer given in 1934. After that the Indian community was asked to submit a name and that name was submitted, but before that appointment was ever made by the Government a Vigilance Committee formed by the European Government brought pressure on the Government, and the Government did not make that appointment. Government easily surrendered at the time. Again, when the reorganization of this department is being made I make a plea for the appointment of Indian members on district councils, because I had the support of the Feetham Commission which made recommendations upon it, and the Government had given a moral undertaking to appoint an Indian member on the Nairobi District Council. If such an appointment is not made I will say that the Government is not prepared to face the issues when there is non-official European opposition.

I do not desire to refer to the Police vote, as the other hon. Indian members have done so already. I will only mention one thing, that in Mombasa in the Old Town a little time back godowns and shops were being broken into and goods removed. After a time the Indian Merchants Chamber made their own arrangements. They employed 75 Africans as watchmen and raised their force. That force is in existence to-day and there is not a single theft now. These 75 people are looking after the locality and not a single theft has taken place since.

I did not realize that I have already taken one hour and I will therefore cut down most of my points, but I should like to speak on Controls. I support the hon. previous speakers on this side of Council that Controls should be abolished or modified as early as possible. I should, however, like to say one thing about it, which I have said in the past.

[Mr. Patel] and that is that as far as the Indian community is concerned we have not been happy during the war about the operation of some of the Controls. I only examined the papers of one Indian firm yesterday, and I was satisfied that they had not been fairly treated in regard to the importation of oil and petrol by the Imports Controller. I understand on the advice of the Controller of Petroleum Products there are many other instances which have come to my notice during the last few years. While on the question of Controls, I submit that as and when these Controls are wound up and the staff is released the staff which has served for a number of years, say three or four years, during the war, should get leave on pay and they should also be given an opportunity for service in the Government and the Railway.

I should like to say, in regard to the operation of the Defence Regulations on immigration, that I have here in my possession papers which will show that a man who produced before the Director of Manpower receipts for the payment of poll tax from 1935 to 1940—for six years—has been refused permission to come back. I have also a case in which the person has been residing in this country since 1912 and has not been absent from this country since 1936, and has been refused permission for his son to come from India, who could give several instances of very harsh administration of these Defence Regulations. I must say here that when the hon. Member for Law and Order was Director of Manpower he operated these regulations very fairly and to the satisfaction of the Indian community, because he had laid down certain principles for the issue of permits. There was no question of the arbitrary manner in which applications are refused now. I also undid that certain instructions were issued in respect of consideration of these applications, but these instructions have been ignored, and people who ought to have been granted permits have been refused. That reminds me of a joke. Three doctors, one American, one English and one Kenya, met together once. The American doctor said: "You know, medical science has advanced so much in my country that a man lost an arm during the war and a wooden arm has

been fixed, and he can play tennis with that arm!" The English doctor said: "Our science has advanced so much that a man lost a leg, and a wooden leg has been fixed by our doctors and he can play football." The Kenya doctor said: "Oh, but certain people in Kenya lost their heads during the war and wooden heads have been fixed, and they are operating Controls." (Laughter.) That may be right or wrong about other controls, but I am quite certain that the person who has been operating the Defence Regulations on immigration has lost his head and has had a wooden one fixed by some very well-known doctor in this country!

In order to satisfy the Indian community and to help the administration of these regulations to work smoothly, I submit that the system which has been adopted in Uganda should be adopted here. That is, the District Commissioner in each area should consult the Indian man power committees, which have worked throughout the war, about these applications before the Director of Man Power considers them. I also submit that there should be some relaxation, or removal of restrictions on people coming from adjoining territories to this country and going from this country to Uganda and Tanganyika. As a matter of fact, in regard to these Defence Regulations, I had intended to move an amendment to this motion. I spoke to the hon. Acting Financial Secretary once when I met him in the Secretariat and mentioned that I intended to move an amendment to this motion by adding the words "with instructions to the Standing Finance Committee that the expenses of the Man Power Office should be reduced by one cent." But as I can see that Your Excellency is trying to save the time of Council, and also I feel that Your Excellency will take a liberal view in the administration of these regulations; and I am quite certain also that you will issue appropriate instructions in the matter, I do not propose to waste the time of Council by moving an amendment. I have, however, very strong feelings on the question and would have done it but for the want of time.

I desire to cut out most of my points, but I should like to mention one in regard to the Posts and Telegraphs Department: During one of the Hindu festivals, the Diwali days, telegrams were

[Mr. Patel] to a cheap rate from Nairobi to Mombasa and were delivered after two or three days, and on occasions after five days. The people could have written a letter and it would have reached the recipients the next morning. The reason for giving cheap rates for these telegrams was to give an opportunity to the people to send telegrams of good wishes to their friends and relatives. If the department is not able to cope with the telegrams they should issue a notice "Do not waste your money; we are not able to deliver those telegrams to-day or the next day."

While on that question, although it does not concern the Draft Estimates, I want to crave the indulgence of this Council in order to make one plea. In this country, and on this Council also, there are three main religions represented—Christians, Hindus and Muslims. I make a plea to the Government and to the non-official Europeans also to support me in my plea, that there should be at least one religious holiday in respect of each religion gazetted as a public holiday, in addition to our present public holidays. The reason is this. I saw the hon. member Mr. Shamsud Deen sitting in this Council on his Idd day and the hon. member Dr. Rana Lele sitting in Council in order to be with his family. I have attended this Council on one of our holidays, the Diwali day, in the past, and I submit that at least these two days, Idd and Diwali, should be gazetted as public holidays in this country, along with the other public holidays. I do not think it would make any difference in regard to our working days. Two days do not matter much.

Finally, there was one point raised by the hon. Member for Nairobi South, and that was that the elected members should be in partnership with the Government. I hope that includes the Indian elected members also. Usually when he says the public or the country, it means only the European section. I hope he means, when he says elected members, all the elected members on this side of Council, though the various sessional papers issued lately by the Government have not reflected the policy of including all the elected members on this side of Council in partnership. In regard to that I am going to take the opportunity, when Council meets again in December to

move a motion that the Indian and African representation on this Council should be raised, in view of the fact that the balance has been disturbed by the operation of these various sessional papers.

I want to say one thing before I sit down. I have raised some controversial matters, not with a view to raising a controversy. I would say in the words of a great English writer: "When freedom of thought and freedom of expression abound there is much controversy and much confusion; yet it is from such controversial confusion that the simple facts of life emerge," and I hope that from the controversies and the debates and the confusion in this Council Your Excellency will note the simple facts of life as we live in this country and, without fear or favour, try to put into practice and help those simple facts. (Applause.)

CHIEF NATIVE COMMISSIONER (Mr. Marchant): Your Excellency, one member on this side of Council has pointed out that the budget debate is an occasion for ranging fairly widely over the various activities of Government. In fact, full advantage has been taken of this in this debate, and we have heard of the affairs of India, South Africa and elsewhere. Another hon. member referred to the debate as an oratorical contest. I do not intend to enter the ring in contest, but rather to reply to one or two points which have been raised.

I think this budget might well be termed a "Save the Soil" budget—a slogan which is very often useful in bringing home to people any particular point one wants to stress, and at the moment the question of saving the soil is perhaps the most important problem we have to tackle. Emphasis has been laid on this fact in Sessional Paper No. 8 which was recently laid on the table of Council.

The hon. Member for Nairobi South has questioned the wisdom of making use of the indigenous system of land administration in native areas. On the other hand, a number of members on the other side of Council have stressed the necessity for propaganda among the Africans with a view to getting across to them our intentions and with a view to getting them fully behind us in any proposals we may have. With this view I entirely agree, for it is only by co-

[Mr. Marchant] with the people and by working through the people and their indigenous systems, at any rate in the early stages, that we shall succeed in getting across to them what we are striving to do. I confess it is possible that the indigenous systems may not carry us as far as we would wish, but I have in mind the Native Lands Trust Board which will play its part in the future of land administration in the native areas and which will advise Your Excellency to carry out resolutions or enact rules which will carry us that degree further which may be necessary.

It is well known that the majority of tribes have, in fact, a system of allocation of lands and the control of their use. These functions are primitive, but it does seem to me that it is a short step from making full use of these conditions and functions to achieving our object, and it is for that reason that I am particularly anxious that we should apply that system rather than go bull-headed into something we are not quite sure about. I feel that in stressing the use of the indigenous system I lay myself open to the criticism that delay will occur and we shall be too late to achieve our object. On the other hand, I do feel that if we cannot make every use of such systems and keep the people with us in anything we may propose, we shall achieve very little. In fact, we may do harm and set back any development which we may hope to achieve for a number of years.

The hon. member also referred to the use of communal labour, and suggested that the period of free labour might be extended beyond six days a quarter in the interests of soil conservation. This period of free labour is governed by the labour laws of this Colony, which were enacted in conformity with the Labour Convention to which His Majesty's Government in the United Kingdom has conformed, and I feel that it may be a matter of some difficulty to get an extension of that period, even if it is desirable. Moreover, I have doubts in my mind whether the use of communal labour is as effective as some hon. members seem to think it is. In my view it is unsatisfactory, in that its incidence is unfair as large numbers of the adult male population are out of the reserves and the work therefore falls on the few.

Moreover, it is not efficient. There is another aspect though, in that most of the local native councils have passed by-laws which require the occupants of the land to maintain their land in good heart so far as soil conservation is concerned, and in such cases there is no question of communal labour because the people look after their own land and work in their own time, but it does so happen that in a number of cases the people themselves elect to turn out all together and work on a communal basis. Personally, I see no objection to that, and if they like to work together I think it is all to the good.

My hon. friend Archdeacon Beecher referred to the fact that the women are required to work on the soil conservation work, and he said that according to tribal custom major works are the responsibility of the men. This is so, but as he will bear me out, in the majority of native communities in this territory the cultivators for the most part are the women, and they themselves would resent any interference in their position as much as would the men. Moreover, the work which they do I should prefer to see regarded as part of normal agricultural practice rather than specialized work in soil conservation, as I feel that perhaps we are stressing soil conservation at the expense of good farming methods and, in the eyes of the African, we continue to think of soil conservation when what we really mean is improved farming methods.

The hon. Member for Nairobi South also asked what had happened to Otenguruone. A good deal has happened; we recently succeeded in obtaining the services of an ex-Army officer as settlement officer, and when he was down here a short time ago he expressed great satisfaction at the way things were going there. In fact, he said that, by the end of this month, November, the whole of the area which had been settled would be terraced and that he would be only too happy for anybody who wishes to go and look at it. So that is very satisfactory. It means he has got across to the people the necessity of looking after their soil. A demonstration plot has been started to illustrate how a family can live on eight acres and, in fact, it will be. This was one of the problems which had never been tackled previously, and the

[Mr. Marchant] complained from the people was that the acreage was insufficient. We are hoping to demonstrate to them that this can be done and a reasonable standard maintained on this acreage. In addition, an experimental plot has been opened up with the idea of trying out alternative crops, and the latest reports indicate that the people are getting away from the cultivation of maize and are getting down to growing wheat and potatoes and other crops more suitable for that climate. After a good deal of trouble a survey team has been obtained, and work on demarcating further plots is now in progress. The investigating team, working under my hon. friend the Member for Agriculture, will go up to Oleruonoo and advise on the method of occupation of these new plots. At this point I should like to remark that I, personally, do not see any point in handing eight acres, or whatever the area may be, over to an African or to anybody else and telling him to get on with it. What you have to do in any settlement scheme is, I feel sure, to make the place habitable. Or, as an alternative, to subsidize the settler until he reaps crops of his own, and when the budget goes to Standing Finance Committee I shall ask that provision by way of revote be included for this purpose.

The same hon. member and others have asked how Government can reconcile the general labour shortage with the fact that there is pressure on the land in native areas. This question has in fact been answered by the hon. member Archdeacon Beecher, when he said that in order to relieve the pressure on the land it is necessary to pay such a wage as will require the labourer no longer to supplement his earnings by keeping his family in the reserve or, as he put it, to scratch the soil for food crops and ensure the means of living in his old age. It seems to me that until we get over this difficulty of a wage level and can provide social security we shall continue to have a labour shortage and pressure on the land. I agree that if better wages and conditions prevail we must expect a better output; any improvement in labour conditions cannot be on one side, as economic factors will make this impracticable. What we have to aim at is to arrive at a position when the labourer feels that to get the "sack" really means

something—to-day it does not mean very much.

I was very glad to hear hon. members on the other side urge the necessity for maintaining the provincial administration at full strength. It is a matter which has been causing me some concern, and hon. members will note from the Estimates that provision has been made for temporary administrative staff. The reason for this is that there appears no immediate possibility of getting recruits from overseas and it is urgent to see that we have a full staff in the field at the present time, so I sincerely hope that when the budget goes to the Standing Finance Committee no suggestion will be made that these items should be deleted. At the moment we are some 23 officers short, which in a service of 105 or 107 is a very high proportion. One hon. member drew attention to the fact that district commissioners are tied to their offices and burdened with a number of extraneous duties to such an extent that they lose touch with the people they administer. I am afraid this is so, and the matter has been discussed by me with the Member for Law and Order, and we have both come to the conclusion that something must be done, and we propose very shortly to put up proposals to yourself, sir.

The hon. member Archdeacon Beecher also referred to the question of making the fullest possible use of Africans in the Administration. Provision has been made in the Draft Estimates for the appointment of 18 African administrative assistants, and dependent on the success of this experiment this system will be extended. Another field opening up to Africans is that of local government, and a certain number of local native councils have already made provision for the appointment of African executive officers. The hon. member also questioned the necessity for an increase in the provision for the Information Office. I think I am right in saying that there will be some reduction in this figure at a later stage, but as members have so rightly pointed out it is of paramount importance that we should get across to the people concerned what our plans are before putting them into effect, and I regard the Information Office as being an essential part of the machinery of Government to achieve this.

[Mr. Marchant]

The hon. member Mr. Mathu sought an assurance from Government as to the security of native lands in the interest of the economic future of the Africans. As he is aware, native lands are secured by the Kenya (Native Areas) Order in Council, 1939, and by the Native Lands Trust Ordinance, 1938. Under these instruments the lands are secured to the native peoples and are vested in trustees, one of whom is the hon. member himself. I do not think I need say any more on this point beyond stressing the fact that I consider it is the duty of the trustees to ensure that the native lands are beneficially occupied and not allowed to be devastated to the detriment of future generations.

The hon. member also referred to the fact that the Kikuyu are disturbed at the proposals in the Humphrey land report. I think they have good reason to be disturbed at the present state of affairs, but I do not think it was in this sense that the hon. member intended his remark to be taken. What he really meant was that he was afraid lest Government should take drastic steps to remedy the situation without consulting the people, and therefore they were nervous. It will be appreciated that the Humphrey land report is only one of many such reports which will be necessary before we can really get the picture of what present conditions are and before action can be planned. It has been made clear in Sessional Paper No. 8 that it is the firm intention of the Government to regard the care of the land as one of its first responsibilities, and it is as well, therefore, that the people should be made aware of the facts. As the hon. Provincial Commissioner, Central Province, stated, this report has already been discussed by the Nyeri Local Native Council, who expressed concern at the state of affairs, and it is in such ways that the full realization of the question to-day can be brought home to the people. I feel confident that once the facts are realized they will be the first to appreciate that something has got to be done, and it is in that frame of mind that we can get across our proposals for action.

MR. MATHU: On a point of explanation, the point I meant to raise on that report was that the Kikuyu were disturbed that in the present system of

land tenure, which is individual, steps might be taken by Government to communalize the land. That is the cause of their nervousness.

MR. MARCHANT: I am grateful for the hon. member's explanation, but my point was that he had expressed fear on behalf of the Kikuyu people, and I feel that they have very good reason to be disturbed at the present state of their lands, but I am not sure that he meant it in that sense. Both hon. members representing Native Interests referred to the necessity for defining the relationship between the central Government and local native council finance. This is very fully appreciated, but until the new local government proposals have been formulated it is impossible to consider the exact relationship between the central Government and the future set-up of local government. As hon. members are aware a declaration of policy has now been made by Sessional Paper No. 6, so that it will now be possible to get ahead with the necessary legislation. As my hon. friend on the left (the Acting Financial Secretary) has already mentioned, we are at the present moment pursuing this matter—if I may use the hackneyed word, "actively." The hon. member Archdeacon Beecher suggested that local native council finance had deteriorated in 1945. I am not in a position to reply to this, because the year is not yet completed, and therefore it is impossible to give an exact appreciation of local native councils' financial position, but I can say this in respect of 1944 that, with the exception of three councils, the surplus balances at the end of the year were greater than at the beginning, and in the aggregate the surplus balance at the end of the year had increased from £195,734 to £225,600.

Both hon. members also referred to film censorship, and I can say this—that the matter is at present under consideration by Government. Reference was also made by the hon. member Mr. Mathu to the possibility of others than Arabs presiding over Muslim courts, and I feel sure the hon. member will agree with me when I say we can only get on such positions people who have the confidence of the people concerned and a full knowledge of the law which they have to administer. Hon. members may not be aware that all such appointments are re-

[Mr. Marchant] referred to the highest local authority on Moslem law to ensure that the requisite qualifications are held. Reference has also been made to the registration system, which has been described as "a thorn in the flesh." This system was introduced in part as a means of protecting Africans by affording means of identification. I remember after the last war the difficulty experienced in identifying large numbers of Africans who were due to receive considerable sums of money but whom it was unable to pay because of lack of identification. Had there been a registration system at the time, the matter would have been simple. However, the matter has been before the Labour Advisory Board, and will come up again at the next meeting this month, when it is hoped that proposals will be placed before Government.

The hon. Member for the Coast inquired whether a seat on this Council is to be made available for the Labour Commissioner. I would refer him to Sessional Paper No. 5, in which it is stated that it is so proposed. The hon. Member for Trans-Nzoia said he could not understand why it was there was a labour shortage on the European farms, while at the same time there was a shortage of food in some native areas which are over-populated. He made particular reference to the Waitatia, who he said used to go out to work but, owing to the encouragement given them to grow vegetables no longer went out, and their reserve was now ruined. He also went on to suggest that they had been fed by Government at reduced prices. While it is a fact that the Telita reserve is overcrowded, it is incorrect to say they have been fed at reduced prices, because they have paid full prices for all food for many years by Government, and the hon. Member for Mombasa will agree with me when I say the supplies of vegetables from that area have proved of the greatest value, not only to the people of Mombasa but to the Services, who have used a part of them.

He also charged Government with falling to tackle the question of overstocking, which he attributed very largely to the system of using cattle for bride prices, and here proposals should be brought to bear to put an end to this system. It is true that the bride price on a cattle basis does not fit in with our

ideas, but I do not attribute overstocking, if indeed the native areas are overstocked, to the bride price system alone. In my view there are other considerations. The hon. member did not suggest an alternative to the dowry system, but the inference was that the dowry should be in cash. There again I am afraid I do not agree because I feel that in the eyes of the African this savours of sale, and with this view I have a good deal of sympathy. I should be reluctant to agree to marriage being on a purely cash basis. No doubt the custom will disappear in time, as indeed many of our own customs have changed during the last 40 or 50 years.

One further point raised by the hon. member Archdeacon Beecher was that no provision had been made for subsidies to local native councils for housing. I think the hon. member is aware that provision exists in the Housing Ordinance of 1943 for advances to local government authorities, and local native councils are included in the definition of "local authority" and are at liberty to make application to the board for such assistance. The hon. member also made reference to the necessity for the establishment and control of residential settlements in the neighbourhood of townships. The hon. Member for Nairobi North made a similar comment on this point as well, and he also said that the Municipal Council would be only too happy to assist. I am grateful to him for that undertaking. But the hon. member will realize that it is no easy matter to suddenly town plan and develop what I may call a building estate, particularly when it is situate within a native area where there are a large number of owners, and native conditions of occupation and systems of land tenure have to be considered. However, I have discussed this matter on a number of occasions with the hon. Provincial Commissioner, Central Province, and in fact the hon. member Mr. Mathu, and I am looking to other negotiations which are going along which will, I hope, arrive at a solution. But it is essential, in my view, that we convince the people interested of the necessity of doing something. We cannot without disturbance walk into an area and suddenly start surveying and demarcating roads and so on. In exactly the same way that we must get the people in whose behalf any

[Mr. Marchant] measures are taken to preserve the land to assist, so I feel that in this particular case it is equally necessary to have the backing of the people behind us.

I beg to support the motion.

ARCHDEACON BEECHER: On a point of explanation, I did not wish to interrupt the hon. member while he was speaking, but may I point out that he failed to explain why the Humphrey report is not on sale and he failed to indicate whether it would be in future. At the present moment it is impossible to buy a copy.

MR. MARCHANT: I think the hon. Provincial Commissioner, Central Province, explained yesterday. A number of copies were printed and circulated, and he stated that a section of it had been translated into Kikuyu for distribution in that area.

ARCHDEACON BEECHER: On a further point of explanation, hundreds of Kikuyu wish to buy a copy in English, and cannot do so.

MR. MARCHANT: I will look into the matter, but there is some doubt whether the Government Press is in a position to produce any more.

MR. SURIDGE (Deputy Chief Secretary): Your Excellency, in the first place I should like to congratulate the hon. Acting Financial Secretary and his staff—and in particular Messrs. Potter, Simmonds, Petrie, and last, but by no means least Mr. All—for their work in connexion with the preparation of these Estimates. The work was obvious, it was heavier than ever before, and it was never a light job. I should also like to extend a very warm welcome to the hon. member Major Cavendish-Benincck, who has now come across to this side of Council as the Member for Agriculture.

Before I enter the marathon race, I should like to make one general comment, and that is on the number of points of question raised by members during the debate. I have not got the exact count, but I should think they come to between 400 and 500! The hon. Member for Nairobi South started off rather mildly with 27, the hon. member Mr. Thakore had eight; the hon. member Mr. Mathu had 27; the hon. Member for the Coast lost his turn a bit and

only had 14 (laughter); the hon. Member for Kiambu also had only eight—I do not know what happened to her; the hon. Member for Ukamba had 24; the hon. member Mr. Shamsud-Deen had 20; the hon. member Archdeacon Beecher had 22; and so it went on until we got a short sprint, I think he called it, by the hon. Member for Uasin Gishu who had 24 (laughter)—a lot for a short sprint! The record was then reached by the hon. Member for Nairobi North, who had 31; the hon. Member for Mombasa, not to be defeated, had 41 (laughter). Well, sir, we will do our best to answer all the points. If we do leave out one or two I hope hon. members on the other side will forgive us, and if important ones are left out let us know and we will do our best to give separate answers after Council.

The hon. member Mr. Shamsud-Deen, when he began his speech, talked of the number of empty Government seats. There were at the time he began to speak three empty Government seats, and four empty seats on the other side of Council, two of which were Indian seats. I observed at the end of the hon. member's speech on the same day that all the unofficials bar six had slipped out (laughter)—all the officials remained.

The hon. Member for Nairobi South asked whether Government had made representations to the Colonial Office to assist in getting passages for newly appointed teachers. The hon. Acting Director of Education answered half of that question, and then he said he had made urgent representations on and the Secretary of State is fully aware of the urgent needs. Passages will be obtained as soon as shipping conditions permit for any school teachers who have been recruited. He also asked why provision had been made for four assistant directors of agriculture under the head "Administration." The reason for this is that provision could not very well be made under the Agricultural Head for four assistant directors of agriculture, animal husbandry and natural resources, which is their proper title, and it was thought more convenient to put them under the Administration Head. I assume that in future estimates they will come under the head "Member for Agriculture."

[Mr. Surridge.]

Both the hon. Members for Nairobi South and the Coast asked about the status of the Labour Commissioner. This point, I think, was covered in part by the reply by the hon. Chief Native Commissioner, in which he referred to the last paragraph but one of Sessional Paper No. 5. In this paragraph it is stated that it is proposed that Mr. Hyde-Clarke, in his capacity as Labour Commissioner, will be given a seat on the Council next year. As regards the salary of the Labour Commissioner, Government has recommended to the Secretary of State that the salary should be the same as that of a provincial commissioner. The hon. Member for Nairobi South also mentioned the question of training schemes, and said elected members were dissatisfied with the arrangements made by the Governors Conference. I am not aware of the reasons for this dissatisfaction, and discussed the matter recently with the Director of Training, who tells me that arrangements for training have been running smoothly. I therefore suggest that the hon. member should have a word with the Director of Training some time and explain what is wrong in his view.

The hon. Member for Iraini Nzoi referred to the question of terms of service—I think the hon. Director of Public Works also mentioned this point. It was not quite clear what the hon. member had in mind. I think he expressed the hope that we should not alter the present terms of service to make them too favorable to meet our present difficulties. I can give the hon. member this assurance. The hon. member Mr. Shamsud-Deen referred to the appointment of irresponsible Indians to boards. I do not know what the hon. member had in mind, but when I asked him he gave me the name of one gentleman whom he regarded as irresponsible and who is regarded by the farming community as the best Indian farmer in the country! And he gave me the name of one other Indian gentleman who has not been appointed to a board at all! The hon. member promised to give me some further information, but has not yet given it; I must wait until he supplies it.

The hon. member Archdeacon Beecher and some other members raised the question of the police terms of service,

which they consider unsatisfactory. Government had hoped that Mr. Hill would have carried out a full examination of this subject, but I agree with the hon. member that his comments do not carry us very much further forward. (Hear, hear.) In these circumstances, Government has decided to appoint a committee to go into the whole question (hear, hear), as soon as practicable. I am not yet in a position to say what the membership of the committee will be or when they will be in a position to begin their deliberations.

The hon. member Mr. Shamsud-Deen referred to a number of deserving cases of Indians refused admission to this country by the authorities concerned. The hon. member should be aware that His Excellency the Acting Governor agreed that these cases should be re-examined, and he was so informed some little time ago. The question was also raised by the Indian elected members last night, and I think arrangements satisfactory to these members will be made as soon as possible.

The hon. member Archdeacon Beecher stated, and I am sure all will agree with him, that it is essential to raise the wages of African labour if they are to have anything like a reasonable standard of living, but his solution did not seem to me to be very satisfactory, although I may not have heard him correctly. His solution seemed to me to be that he might in receipt of Sh. 6 or Sh. 10 a month be placed elsewhere. May I ask him where?

The hon. Member for Nairobi North asked about the York service from England to South Africa, and inquired why we could not get seats on it. I would point out that this service, which is called the Springbok Service, is run by the R.O.A.C. in conjunction with the South African Government, and we do not pay a penny towards it. Therefore we have no control over the allocation of seats.

As regards the Sessional Paper on Local Government, Public Health and Lands, Mines and Surveys, the Government does not propose to debate this Sessional Paper, at any rate at present. It would be an impossible situation if the Government had to move the adoption of every sessional paper for-

[Mr. Surridge.]

in Legislative Council, and the Government feels that unless it is the wish of the majority of Council to have a debate on a particular sessional paper, or unless it considers the subject to be of sufficient importance to warrant it, there should not be a Government resolution on it. I may add that it is open to any individual member of Council to propose an appropriate motion on the subject. As regards the particular Sessional Paper in question, the re-organization of local government was foreshadowed in Sessional Paper No. 3 of 1945, and the amalgamation of lands, mines and surveys raises no new principle. In these circumstances the Government feels that if a debate is to be held it would be better to have it late in 1946 or 1947 in the light of the first year's working of the new organization.

I have no doubt that the new Member for Local Government will have taken careful heed of the hon. member Mr. Patel's plea for increased Indian representation on the Standing Committee for Local Government and for Indian representation on district councils.

The hon. Member for Kiambu discussed at some length the question of the meteorological service. I can only tell her that the whole matter is under consideration at the present time as to the future of this service in East Africa, but the hon. member's representation with regard to local control will be borne in mind by the Government most sympathetically. The hon. member also said that nothing at all happens with regard to points raised in the budget and debate. I can assure her that we do go through the debate most carefully to ensure that promises made are kept and that outstanding questions are dealt with.

The hon. member Mr. Patel took up certain questions connected with education which I wish he had raised, or got somebody else to raise, earlier in the debate. The particular ones that struck me, the question of a sports ground for the Alidina Viram High School, I will take up with the Director of Education as soon as possible. I cannot give an answer now.

The hon. Member for Mombasa began his speech with what seemed to me to be a dissertation on economics. I am afraid

I was not able to follow him altogether, but I have no doubt the hon. Financial Secretary will deal with it. So far as I could understand his proposals, they were to double expenditure on education and pay for it by halving the income tax. (Laughter.) (Mr. Nicoll: I never said anything of the sort!) I am sorry; I must have misunderstood him. (Mr. Nicoll: It went clean over his head!)

The same hon. member raised the question of gratuities for B releases. I hope I have got him right this time! (Mr. Nicoll: Yes.) The position is difficult, and the difficulty is that gratuities apparently are not paid by the Army until the men are discharged from the forces and, for some reason that I have not been able to understand, B releases are not discharged until their age and service group comes up, but I am informed by the military authorities that a statement satisfactory to all, covering that point and, I trust, arranging for the payment of gratuities, will be made shortly.

The same hon. member asked what the position was regard to the gift of timber for the House of Commons. May I quote a letter written to you, sir, by Sir George Carter on the subject: "It is still, of course, early days to say that Kenya timber can definitely be used for the purpose suggested, as apart from the Chamber itself, which I understand is to be panelled in English oak, no decision has yet been taken on the panelling and furnishing of other rooms. We have already had several offers of timber from other Colonies, and it is clear from a letter from the Speaker to whom the offers were communicated that they are warmly appreciated, and will be considered when the time comes to settle the details."

I now come to the last point, very nearly the last point raised, and I may say it seems to be rather an awkward one. It is the question of burials, and one. It is the question of his who was a young lady friend of his, who was awarded a burary by the Burial Committee on condition that the entered Government service. I think, first of all, that there is some misunderstanding on one point at which I am sorry to see a question of cancelling this young lady to enter the service of this Government. What happened was this: The young lady applied for a burary to enable her to

[Mr. Surridge] take a bachelor of science degree at London University. No other information was given to the Bursaries Committee. The Bursaries Committee, of which the Director of Education is a member, I should like to point out (laughter), offered her and another girl bursaries, provided they took up teaching as a career: this because no other candidates were taking up teaching as a profession and we were extremely short of teachers. I have no doubt though that if the candidates in question wish to take up some other career and will say exactly what career and what they propose to do at the university, the Bursaries Committee will reconsider the matter.

Finally, sir, may I join the hon. Member for Nairobi South when he states that the unofficial members and the Government should be in full agreement over the development of the Colony and, if they are, they can work together. I trust that this state of affairs, which I may say I think is at present with us, will long continue.

I beg to support the motion (Applause.)

MR. COULDREY. Your Excellency, I am not quite certain how many hon. members have already risen and spoken in this debate, but I think it must be somewhere about thirty, and it is very notable that when they sit down, somewhat fraudulently they say "I support the motion". I have every sympathy with them, because practically there is no alternative. I myself later on am going to agree that this must be referred to the Standing Finance Committee, and pretty obviously that is what will have to happen to it. In fact, although I believe this is the most dangerous and ill-considered budget that has been placed before this Council for a good many years, I have to confess that I have failed entirely, although I have tried, to put into suitable words where exactly I would really like to refer it and what exactly I would really like to have done with it.

I was once told (and I do not give this information for the benefit of any particular one of my friends sitting opposite), but I was once told that the night before a man is hanged, the governor of the gaol where he is

incarcerated and the two warders responsible for his safety always go out of their way to speak as kindly and nicely to him as possible, and generally endeavour as far as possible to take his mind off his impending doom. And so when I heard your message, sir, to the Council read out and when I heard my hon. friend the Chief Secretary add his own beautifully turned phrases, and when later I listened to my hon. friend the Acting Financial Secretary get off his chest in his own inimitable way what he himself has described as this mass of verbiage, and then when I looked at this book and really started to study it, I could not help thinking of you, sir, as the governor of the gaol and of my two other hon. friends as the two warders saying as nice things as they could to us before they lead this country, not to a quick and merciful death, but down a path which, if it is pursued, can have one end and one end only: financial chaos.

In this very nice book it says: "Government regards it as important that in the 1946 draft Estimates expenditure should be in line with revenue". When I first read that—and I have read this book right through (I suppose not many hon. members can say that!)—when I first read it, I wondered why those words "the 1946 draft Estimates" should be stressed. It did not take me really very long to find out, because in 1946 the compilers of this book believe that this country will raise more revenue than this country has ever raised before. They reckon that it will raise about half a million more revenue than the estimated revenue for last year, nearly four million more revenue than in 1939—nearly four million. The actual figures (I am talking in round numbers if I may)—in 1939 the actual revenue was about two and three-quarter million. The compilers of this book believe that in 1946 it will be six and three-quarter million, nearly three times as much. They have to believe that; they have no alternative but to believe that because they based the expenditure on that premise.

A word about this abnormal revenue. I call it abnormal revenue. Everybody knows how it has been raised or how you hope to raise it, but the great growth in revenue between the pro-war

[Mr. Couldrey] years and 1946 is accounted for by the fact, firstly, that there has been new taxation, but secondly and, I think, mainly, because we have had in this Colony an abnormal amount of spending by the military authorities. Like the good little girl in the story book, I do not always believe what a soldier tells me, but I have it on the authority (second-hand, I admit) of a very high military authority whose business it is to deal with these things that in the last five years over £120,000,000 has been spent by the Army alone in these territories, and that does not include the Air Force spending and Naval spending and the amount of American lend-lease. I cannot check up these figures, but we all agree—in fact this book says so in a very much more official tone, it talks about the expenditure incurred in Kenya by the Service departments—we all know it has been very great, and inevitably a good deal of that money has found its way into the public coffers. That is inevitable. So on the strength of that these Estimates have been framed.

It does not need me to point out that that abnormal source of revenue is departing and has to a certain extent already departed, and that must have an effect on the revenue for next year. I personally do not believe that you will get that revenue—I may be wrong, but I err I suggest that I err in good company, because at the same time as the ordinary budget comes out the Railway also issue their budget, amounting to, nearly £4,000,000. But the Railway, I see, which I submit is entirely dependent on the prosperity or otherwise of this country, whoever frames the Railway budget believes that they are going to have a loss of revenue. This raises a very serious point. The memorandum to this budget says: "The draft estimates of revenue represent the best estimate now possible in present circumstances". That is what the pay, I am going to ask that the hon. Acting Financial Secretary in his reply will amplify that a bit. I think we have the right to ask (and I think I have the right to get a reply): is every care taken, is every precaution taken, by the framers of this budget to investigate every source they can to find out what the revenue is likely to be next year? On the face of it there is prima

facie evidence to believe that they did not.

It is possible that they may have gone to the Railway, to the hon. General Manager of the Railway or whoever frames his estimates, and said "Let us pool our ideas; let us pool our experience and let us pool our brains"; but if they did so they have come to a different conclusion from that of the hon. General Manager of the Railway. I should like to ask a specific question and I hope I can get a specific reply: did on this occasion, when the Government says that the Draft Estimates of revenue represent as close an estimate possible, did my hon. friend the Acting Financial Secretary go along to the Railway and do what I have said they should do—that is pool their information and pool their experience? I hope I shall get a reply to that, because it is of importance, because if sufficient care has not been taken in drafting these estimates of revenue, seeing that this budget is based on the revenue, and specifically says so, then the whole fabric of this budget falls to the ground.

Before passing from revenue, I want to refer again to the Railway budget. The Railway budget shows, and does so perfectly candidly, that it is budgeting for a deficit. I am going to submit that this book is budgeting for a deficit in reality. It may not be next year; it may not come for several years, but it must inevitably come, and I think it is very much fairer to say so. Actually, I submit that we would be budgeting for a deficit next year were it not for the fact that the framers of this budget have adopted the device—a better word than ruse—and have taken what would normally be a good deal of Public Works Expenditure, ordinary and, etc., and transferred it from the main budget to the camouflaged chapter of the book; D.A.R.A. Let us look at some of this expenditure on this revenue, which I say is abnormal revenue. I have to admit, perhaps frankly that a good case can be made for nearly every single item of that expenditure. I think, if we took the question whether it was desirable or not, everybody in this Council would agree that nearly every single item is desirable but, as the hon. Member for Nairobi North pointed out, finance must be the limiting factor, and the bare, hard facts



[Mr. Coudrey]

are that a good deal of this expenditure we cannot possibly afford.

I am going for the moment, because I am cutting out details, to talk about some of the expenditure I consider as not essential. I am going to voice a protest against the stepping up of a lot of Government offices and the granting of new titles. As far as I know, as far as I can gather, the idea of this budget is to a great extent to decentralize Government and to really reorganize Government on what will be its normal peace-time footing. This decentralization of Government I believe in—and I have pressed for it in this Council—should be the right objective, but I will only agree that it can be performed subject to budgetary considerations, and the budgetary considerations are such that makes it impossible for you to decentralize your Government unless there is a corresponding decrease in the central Government and, frankly, I do not see this decrease. There was the other day a bill before this Council—and is still before it, for it has not passed its third reading yet—and at the bottom of the bill there is a phrase which appears on far too many Government bills in these days, that it is impossible to state what the expenditure of public money will be if this bill becomes law. It is impossible to state. Hardly had I finished speaking when the hon. Financial Secretary jumped up to his feet and he himself told us what the financial implications would be. Well, the bill said it was impossible; my hon. friend said it was not impossible, and he told us what he thought. Now, when two very big and important Government officials disagree like this, it is not invidious for me to take one side, and I agree with the former's statement that it was impossible. I am not satisfied that that was got the right answer, and I agree with the hon. Member for Usain Gishu when he said it was not a complete answer. It is impossible to say what the financial implications are, for this reason. The moment you start stepping up titles in one department, it is inevitable that other departments sooner or later will attempt to get some stepping up. It is all nonsense to say that because a Deputy Provincial Commissioner is to get £1,100 a year whereas if he were a Senior District Commissioner he would

get £1,200 so that there is a saving. Anybody can look at this budget and see the answer to that.

Another thing is this new set-up of cabinet ministers thinly disguised as Members. This Council is committed to that and again, sir, I think it is a good thing. But the Council is not committed to the financial implications, and we are only just beginning to see what they are. So far, only one Member has formed his ministry, and that is expensive enough. When my hon. friend the Commissioner for Local Government gets going and forms his, goodness only knows what will be the financial commitment! (Laughter.)

Sir, there is no doubt that these reforms may be desirable. It is possible that they may lead to greater dispatch of business and greater efficiency. That is a possibility. If you like it is a probability. But what is a cast iron certainty is that it will cost us a tremendous lot of money, and more than we can, in my opinion, afford. There is just another side to this stepping up of titles, calling people by long sounding names and giving them corresponding rises in salary—it is the moral side, and a side I must stress. As an example, this year you, sir, addressed the Civil Servants Association. They gave you a welcome, and of course you replied, and in it you talked to them about their conditions, and in short you told them that their share in paying for the war would have to be to accept lower standards of living, and said that was universal. These are your words: "I can only say, gentlemen, that when you return to the United Kingdom I trust that you will be convinced, because it is a fact that the people of the United Kingdom are paying for the war with their standards of living, and so shall we have to." "So shall we have to." That is what you said to the civil servants. I think it is going to make those gentlemen who heard you not frightfully happy over things if they know that they are paying for this war, with their standards of living while they see people in the upper strata of this bureaucracy getting increased money because they have got their titles stepped up.

I do not need to stress this too much. It would be easy to exaggerate the discontent in the Civil Service, but it is dis-

[Mr. Coudrey]

should try and accumulate. I think he called it a revenue stabilization reserve. Where I do not agree with him is that he wanted Government to spend so much more money, sometimes quite irrespective of budgetary considerations, that if he had his way we should not have a chance in heaven of getting a reserve of any description.

You, sir, in your message to this Council said that this budget was little more than another war budget. The hon. General Manager of the Railways in his budget is perfectly frank about it, and says that times are not normal. Everybody in this Council knows that times are not normal. Then why seize an abnormal time to impose on this unfortunate country reforms costing all this money in the guise of the reorganization of your Government on a peace-time basis? If I may borrow a simile from the motor trade, what you are trying to do is to put a Rolls Royce body on a Ford chassis, when all we want is a utility truck. What would be the loss to this country if all these reforms were held over for one year? I would point out that in a year's time we shall, with any luck, have got rid of all our War Expenditure. Civil, which is nearly £800,000; we shall have got rid of that. I hope, and the budget should be that much healthier. You will then by that time know whether you are, in fact, going to get this revenue or it is merely a guess of my hon. friend there. In a year's time you will certainly know whether world authorities will be able to control inflation, and we shall probably know by that time whether America and Great Britain have come to some form of agreement, and know whether we shall be confined to inter-Imperial trade or whether trade with the dollar countries will be world wide. There is everything to be gained by stopping this ex-rake's progress and this increased expenditure of the bureaucratic structure, and there is nothing to be lost by doing it. (Mr. COOKE: Except our roll in the Indian Ocean.) I am not going to be accused by my hon. friend speaking after me that I am giving you a dissertation on economics, but I do submit—and I have learnt it by experience—that when times are good and money is free and when revenue is buoyant, it is not the time to boost up expenditure. That is the time to try to accumulate reserves. I agree entirely with the hon. Member for Nairobi North, who stated that we

should try and accumulate. I think he called it a revenue stabilization reserve. Where I do not agree with him is that he wanted Government to spend so much more money, sometimes quite irrespective of budgetary considerations, that if he had his way we should not have a chance in heaven of getting a reserve of any description.

Mr. VASEY: On a point of explanation, my point about the budgetary considerations applied to the police alone.

Mr. COUDREY: I thought education. I agree with him in the one thing that that is what we should do, but this budget is not doing it.

This budget is, in my opinion, spending more money than we are likely to have or can afford. I am not one of those people who believe that history inevitably repeats itself, but I do say that so long as we exist under the present economic system the old fundamental economic laws assert themselves and reassert themselves again and again, and one of the fundamental economic laws is that if you live beyond your income financial chaos must ensue. But why this hurry to do these things in these abnormal times? A very great Prime Minister, leader of the Opposition when he said it, once called an equally famous Chancellor of the Exchequer a young man in a hurry. You yourself, sir, said you claimed to be as impatient as any man. I submit that this is not the time for a hurry; and I put it to you, sir, that if an action is to be successful the timing of that action is nearly as important as the action itself. I am going to submit that we must stop every single cent of addition to our recurrent expenditure. I said I am going to submit that we must stop the addition of every single cent to our recurrent expenditure. Well, I do think my hon. friend the Chief Secretary and Acting Financial Secretary might have said "Hear, hear" to that, because that is what they themselves say! (Laughter.) I am only supporting them, I am only putting their case for them. Look at what they say on page 11 of the memorandum, the fourth line down. I will read it: "The growth in recurrent expenditure is, however, becoming so rapid that, in the opinion of the Government, a halt must be called if serious financial difficulties are to be avoided".

[Mr. Coudrey]

I could not agree with them more, and I assume that these two gentlemen are the authors of this wonderful book, I could not agree with them more, for it is exactly what I think. The only difference between them and myself is on the translation of their words, for they are the authors of this novel: I believe what I say and judging by the other pages of this book they cannot possibly mean what they say. Listen to these words again: "A halt must be called". Nothing equivocal about that. It is straight talk and we understand that, and you would think there is going to be some action after that, and there is. Look what the action is. They then propose to add nearly £700,000 more to the recurrent expenditure. That is the action they take. In passing, my hon. friend the Acting Financial Secretary reiterated that the increase was £640,000. In point of fact, the actual increase over the revised Estimates in 1945 is nearly £700,000—£697,312. That is the increase that I propose to add as a means of "calling a halt". I have a great respect for the ready wit of my hon. friend the Acting Financial Secretary, and I am going to ask him if that is what he calls a halt will he kindly tell us what he would term "making an advance" (Laughter)

From expenditure I am going to taxation, and believe me, it is a very very small step from expenditure to taxation—and high taxation. What is the Government's attitude towards taxation? I am going to tell you what the Chief Secretary thinks about it. This is what he said in this Council two years ago replying to me: "Reference was made by the hon. member to post-war taxation, and since reference was also made by the noble lord the hon. Member for Rift Valley to what the Government said in 1939, perhaps I might be permitted to quote what I said on that occasion: "Your Excellency, I think I can reassure hon. members by stating that the present intention of Government is that this legislation is emergency legislation designed to enable the Colony to play its part in bearing the additional war expenditure. It is impossible to say, as the hon. Financial Secretary has stated, what may be the position after the war, but this legislation was introduced as an emergency war measure. That is how it

is regarded by Government at the present time."—that is two years ago—"Some of the implications the hon. Financial Secretary has already referred to. It is impossible to say what further implications may arise, but I state, definitely, that is forthright talking too!"—I state definitely at this time that the legislation was introduced as an emergency war measure." That is the end of the quotation. Then it goes on: "That, sir, was the statement I made then, and I see no reason to retract from it in any way now. I sympathize entirely with the views of those hon. members who have stated that since this taxation was introduced for a particular purpose, it should not necessarily be maintained at the same high level after the war without the agreement of this Council."

That is what my hon. friend the Chief Secretary thinks. I agree with him, but what is the good of saying that this emergency war measure will have to come up to this Council? This budget, if it is accepted, bolts, bars, shuts and hermetically seals the door to any chance of tax reduction. On the contrary, it makes further taxation inevitable. I have only quoted a short extract from what my hon. friend the Chief Secretary said. It is never quite fair to take part of a speech away from its context and to I am going to read you what his views are, or were, about post-war taxation. In doing this my sense of fair play is assisted by the fact that I know that if I do not read you the rest he, when he replies, will (Laughter). This is how it goes: "I think that after the war a very good case indeed will be put forward for the maintenance of a reasonably high level of taxation"—a reasonably high level of taxation!—"I do not think that any of us will attempt to argue then that we should go back completely to the pre-war level, since we are all aware of the need for a good deal of revenue for all kinds of services that we must have if this Colony is going to advance as it should do after the war." That is what the hon. Chief Secretary says.

Let us see what his colleague says—the Financial Secretary: "I feel that the best interests of the Colony will be served by maintaining a level of taxation at the maximum of our taxable capacity." There is no talk there of a

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reasonably high level of taxation; he thinks the maximum of our taxable capacity. In another place he says: "Unless this Colony is prepared to subject itself to high taxation, we can write off all prospect of future advancement". There seems to be on the face of it a difference of opinion between my two hon. friends over the question of taxation. Actually it is quite possible that there is not, because the quotation that I read to you was from a speech delivered two years ago, and you have annually increased recurrent expenditure so much that I suppose that quite likely my hon. friend the Chief Secretary may have changed his mind and that he thinks now that he must also have the maximum of our taxable capacity. Now the hon. Financial Secretary was very careful not to give any indication at all as to what that maximum was, or is. Now I am going to try and tell you, and I am going to take my data from as much of this budget as is relevant in 1946.

You are budgeting for income tax of a million and a quarter pounds and native poll tax of little over half a million. That is to say that the small native population—which is a very small population—will contribute a million and a quarter, while the very vast African population will contribute about half a million. That is direct taxation. It is impossible to say what indirect taxation may be, but I suppose it would be somewhere in the same ratio. I am going to try and bring home to my hon. friend that, try as he likes, do what he wants, with all the Government majority behind him, with you, sir, behind him, with the Colonial Office, behind him, with the Secretary of State, or even four Secretaries of State—behind him—he cannot impose a high level of taxation on this country, because the country is not capable of paying a high level of taxation. He can, of course, add taxation to this very small non-native population. To show you how small it is I will give you a few more figures. There are less than 7,000 people in this Colony (Europeans, Asians and companies) who paid income tax in 1944, less than 7,000. So if he bumped income tax up a tremendous amount it still would not be a high level of taxation. There were less

than 45,000 people in this country who paid non-native poll tax or personal tax in 1944, the reason for that small figure being that there were not more people to pay. The reason why more than 7,000 people did not pay income tax is because that is the sole number assessed for income tax, it is a very, very small taxable population. But you have a very big population of Africans. Supposing this was a business concern looking at this question, facing the idea of getting more revenue, what would they do? They would immediately say "Let us add to that 7,000 and that 45,000; let us get more into the taxation-paying class, and let us somehow or other try to increase the taxable capacity of the great bulk—the 4,000,000 people". This budget does, I agree, and your speech the other day does indicate that you are making some effort to add to this small non-native population who can be squeezed, but I looked through this budget and I saw no really long-range plan for adding to the taxable capacity of the African.

I am not going to argue that the standard of living and that the wealth of the African must be increased from any moral or social grounds. We are dealing with finance, and I am merely going to confine my remarks to finance. It does not mean that I am oblivious to the fact that the position of the native must be improved—but I am looking at this merely from the sheer hard financial angle and I submit that you have got to do something. All your recurrent and all your D.A.R.A. expenditure is useless unless you face up to this one big social problem: how are you going to improve the standard of the African, not from any moral or social ground, but perfectly frankly because I want to squeeze them the way my friends are going to squeeze me. That is a purely selfish point of view, but it is the correct point of view, and therefore I say that you must do something. Unless you do, then I can never agree to this budget. Later on in my address I am going to tell you my ideas of how you will do that, but for the moment I should like to pass on to certain other items on which I want to comment.

His EXCELLENCY: Would not it be a convenient moment to break off?

Mr. COUDREY: I should like to get one sentence off my chest and then I

[Mr. Couldrej]

should like to break off, because this does not really concern the budget, but it does concern this Council.

My hon. friend the Acting Financial Secretary, in introducing this budget, when talking about the better-off African, made use of this phrase: "I have designs on these gentlemen". I saw nothing wrong with that phrase at the time and see nothing wrong with it now, but it has come to my notice in another capacity that that phrase has been taken from its context, has been removed from the atmosphere in which it was uttered, and misinterpretations put on it, and in justice to my hon. friend and in justice to this Council it must go down on our records that we who heard it realized that there was nothing wrong with that phrase. It was merely a colloquialism; my hon. friend was perhaps giving a little light touch to a speech on the budget which of necessity must be a long and somewhat heavy one. Nothing sinister was implied and in fact none of us who heard it deduced anything sinister from it. (Hear, hear.)

Council adjourned at 1 p.m. and resumed at 4 p.m.

MR. COULDREY. Your Excellency, when we adjourned for lunch I was on the subject of taxation and I had deplored the fact that my hon. friend the Acting Financial Secretary, while telling us that we should be prepared for the maximum level of taxation, gave us no indication of what that taxation was or what its incidence was likely to be. I admit that this budget makes further taxation inevitable. That may be a good thing or it may be a bad thing, but having made it inevitable I do submit that he should have given us some idea of how this future taxation will fall. I endeavoured to prove this morning that the great mass of the population of this country—the Africans—cannot be further taxed to any considerable degree because their taxable capacity will not stand it, and therefore the only taxation that can be proposed is on the comparatively speaking small non-native population.

I think I covered that question very fully this morning, and I will now go on to what I call the camouflage chapter in this book; what my hon. friend called phoney finance. I have to admit that I

cannot conceive a better name for it. This morning the hon. Member for Mombasa said that this budget had been prepared in a hurry. I do not think that there was any need for him to tell us that, I think we can ascertain that for ourselves, but I do submit, with all respect, that if that is the case it is hardly fair to summon a meeting of Legislative Council to discuss a budget which has been prepared in a hurry. This budget proposes to deal with revenue and expenditure on development and reconstruction over a period of ten years. The suggestion is that £15,000,000 of revenue should be raised in ten years and that approximately £15,000,000 should be spent. Not only does the drafter of this budget not tell us when, where, how or under what terms one-third of that revenue is going to be raised, but even as far as next year is concerned he does not tell us how one-third of the money is going to be spent. I think he was in a hurry!

I have said he does not tell us how one-third of the revenue can be raised or when or on what terms. According to this interesting document a third of it is to be raised by loans. My hon. friend, when speaking about this subject said he was not going to say very much but that he was not optimistic enough to believe that he could escape a certain amount of twitting about it. Until you, sir, addressed us last week I was not going to say anything about loans. After all there is nothing more futile in the world than saying "I told Council knows, that for three years I have been agitating on this question of loans. Last year at this budget session I said: "This is the third year I have urged Government to float a loan locally." I said: "This is the last time I shall do it because the time has passed, or is passing, when it will be opportune to float a loan." I do not want to stress the obvious and say how right I was. (Laughter.) The hon. member did float a loan. Before he did so (I have, I may say here, to talk about my hon. friend because he is representing finance, but in point of fact the nigger in the woodpile was in my opinion his predecessor), as you know, Government appointed a committee. Whether it was a good committee or a bad committee it is, entirely beside the point; Government nominated,

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presumably, who they wanted. Actually I think it was a very good committee. I was a member of it! (Laughter.) We gave the hon. member's predecessor advice to the best of our ability after a considerable amount of consideration, and Government went entirely opposite to that advice. They are perfectly entitled to do so; it would be an absolutely absurd position of Government had to take the advice of every committee they set up. But I do suggest that if Government does set up a committee and does decide to go entirely contrary to their advice, it is desirable that Government does make sure that the course they do pursue is a successful one, and that is exactly what the Government did not do.

Everybody knows that the floating of this £600,000 loan was an abysmal failure. On the due date my hon. friend entered in a position to say that it had been fully subscribed, but he knows and the whole country knows how merely because Government had to help out their own loan by investing their own money in it and coming down on my hon. friend the General Manager of the Railway to assist a lot of his money. It was an utter failure for several reasons. The main reason was that the rate of interest was wrong, the terms were wrong, and the propaganda about it was just about as bad as it could be. Apart from that there may have been something right about it, but I have not discovered it. Then what happened? We floated the loan for a lengthy period—far too long a period—at 3 per cent. The loan had hardly been floated a few days when the Government or somebody caused propaganda to float round this country that the loan was not a success and was not being subscribed to. Anybody who had any doubt, anybody who was wavering, at once said: "There is something funny about this loan and I won't subscribe." That would not matter so much except that we have to raise further loans. My hon. friend in introducing this budget told us what course he was going to take, and the course he is going to take is the good old time-honoured official course of doing nothing. I do not know whether senior officials when they get to the heights of being Financial Secretaries have a patron saint, but if they do not I would suggest that they adopt the late Mr. Micawber in that role. (Laughter.)

But we cannot, in view of what was said to us that additional settlement depended on the raising of local loans, we cannot just leave it to chance; we have got to make up our minds to do something. I myself believe that it would be folly immediately to start in and raise another loan, but as we shall have to do it some time I am going to make a few observations on loans, and if my hon. friend replies that I am giving a dissertation on the fundamentals of finance I will say: "Quite right; I am," but I think there are certain people who need that dissertation. (Applause.)

First of all, I am going to repeat what I have said before in this Council and stressed *ad nauseam* in committee, and that is that a colony like Kenya can always afford to pay an extra half per cent anyhow, and possibly more, for a loan raised locally, than a loan raised overseas. The reason is obvious. On a loan raised locally the interest is paid locally and circulates round the country, and a certain percentage of it inevitably finds its way back into the Treasury. There is mighty little money floating round this country out of which the Treasury does not get back a percentage! But if the loan is floated overseas, the interest is paid overseas, and what happens is that you have to take the money out of circulation here and send it overseas and never see it again, and it goes *ad nauseam* in the committee to which I referred, and I do think—but I was wrong—that that had penetrated into the mind of the Government. The second point I want to make is that if my hon. friend is in the same position when it becomes necessary to float another loan he does take the elementary step of attempting to underwrite it. We have an East African Currency Board, and I do suggest to him that if he is going to float another loan he gets in touch with them and either takes their suggestions, or anyhow hears their suggestions as to how they can underwrite it if they do not do it themselves. The third thing I am going to suggest is that when he floats another loan he should get somebody to do the propaganda who gets his job. (Mr. Hearns: I am not eligible for it, so they will have to get somebody else.) (Laughter.)

So much about the revenue side of this budget. Now let us turn to the expendi-

[Mr. Couldney] This year there appears on one side. This year there appears on the expenditure side a sum of half a million unallocated—half a million! I admit this budget was prepared in a hurry! If they do not know what to do with it, I suggest that it should never have been inserted in this budget. If the Director of whatever he calls it—DARA—does not know what to do with it then there should be no sum inserted at all. I do not believe this Council has any right to give any authority, or any sub-committee of this Council, to sign an open cheque for half a million without having any idea on what that half million is going to be spent. I say this with a great deal of regret, for I have a tremendous respect for my hon. friend the Chief Secretary, and I have no doubt that he would if he had this half million use it to very great advantage, but I submit that what this Council should insist upon, because it is one of the prerogatives of this Council, is that one who has made up his mind what he thinks he should do with it then he should come back to this Council and say: "This is what I wish to do with it; please authorize me to do it." I do not believe we have any right to delegate that authority to a committee, even though it be a committee of our own members.

A word about the Standing Finance Committee. I have served on it now for some time. During the war-time things were, of course, abnormal and it was necessary (I can quite understand that) that every month this Standing Finance Committee should be confronted with claims for additional expenditure. We were at war, it was impossible to say from month to month how things were going, and it was necessary to give the Standing Finance Committee authority to authorize expenditure very frequently. But now that peace has broken out, now that we are in the money peace period, I think that has got to change, and I am going to suggest to my hon. friend sitting opposite that he gives instructions to heads of departments that if they want to incur expenditure they have got to look ahead and ask for that expenditure when the budget is being discussed. It is entirely wrong, in my opinion, that the Standing Finance Committee should be asked to sanction expenditure piecemeal; they must have the whole picture in front of them. I am not casting any blame on

anybody for what has happened before, because, as I say, I fully appreciate that we were at war.

While I am on the subject of DARA, I have not so far gone into any details; I have talked entirely about the structure of this budget, but there is one detail I must go into. Before the luncheon interval I stressed my objection and lodged my protest just as strongly as I know how against this boosting up of the salaries of senior officials at a time like this, at a time when you yourself, Sir, had said that we have to pay for the war by adopting a lower standard of living. I said I thought that the stepping up of all these titles, this decentralization and the like was more than the Colony could stand. Having said that, I must talk about what is perhaps the most glaring case. It is always distasteful. It is a most distasteful duty for a public man to have to talk about the salaries of people who are personally his friends, but I am certainly not going to shrink from a distasteful task. I submit that we have got to pay this additional £400 for the Chief Secretary. The reason I say that is for no other reason but sheer hard finance. He has been in this country six years. By the probabilities of Colonial Office custom he would shortly be promoted somewhere else at a much higher salary if he so chooses. If we are to make this DARA a success it would be financial folly of the first water if we are to get rid of a man who has the insight—the encyclopaedic knowledge of the country—that my hon. friend has, merely to save a few pounds and possibly get in his place somebody who does not know the country. (Hear, hear.) I ask Council to believe me when I say I hate saying this sort of thing because throwing bouquets is not my metier.

That is all I am going to say for the moment on DARA—No! There is one more detail I am going to deal with under DARA and that is to talk about district roads. I maintain that the district roads are just as much a war casualty as anything else in this Colony. The roads for the most part are built of mud; they are earth roads; they were never designed to carry the heavy military traffic which has been over them for the last five years. That traffic has of course not been able to choose its time; it has had to go over in wet weather as

[Mr. Couldney] well as dry weather and it has absolutely destroyed these roads. Again there is no sentiment about this; it is a matter of sheer hard finance. Unless you are prepared to put your hands in your pocket and pay something out of this DARA out of recurrent expenditure—for these district roads, then before long there will be no district roads on which to expend anything.

I think for the moment that finishes all I am going to say under DARA, except for one subject—probably the biggest subject of the lot—and that is education. I am talking of education under DARA because I believe if it is really going to be a development authority that is where a great deal of the expenditure on African education should be borne. I sympathize entirely with my hon. friend Mr. Mathu and the hon. Director of Education when they said that education should be looked upon as a productive service; it should be. In my opinion education, and possibly to some extent the medical vote, should be looked upon as dividend-earning departments. Dividends will not come at once, but every economist in the world—I think I am right in saying that, and history has certainly proved it—will tell you that if you want to increase the taxable capacity of all these Africans, the best way to do it is to give them education. I do not think there is any argument about that. I think you have got to give them education. Again I am not saying this on high moral or social grounds, but on the ground of sheer hard finance.

I know we are running a risk, but if you do what I suggested, if you put quite a big slice on DARA for African education, it would mean that in ten years' time anyhow there would have to be quite a lot of recurrent expenditure transferred to the normal budget. I know that I submit that this country can afford to take risks. I would say, further, that it cannot afford not to take risks in this respect. We have got to do something about improving the taxable capacity of the natives, and I am putting it no higher, and with that I should be better standards of living and everything else. We have got to do something. When countries come to the war with quite a lot of towns destroyed by bombs, and certainly with their finances

seriously impaired, we have been lucky to emerge from the war with a considerably improved surplus balance and, as you know, we have suffered no war damage. I say, therefore, if this be a risk it is a risk we must take. I am not, of course, putting up any detailed suggestions on the matter. No one man can formulate a ten-year plan in his spare time. All I am asking is that if my hon. friend is correct—I do not think I need stress the "if"—if he is correct and you are really going to have an immediate review, I ask that when that immediate review is being made you will give very serious attention to this suggestion. We have got to do something about this native education. We cannot go on and shirk the issue any longer, and it seems to me that the best way to do it is to regard it as a development scheme, or a great deal of it, and put it under DARA. I have only one remark to make about that.

If that is done, I do hope, I do trust, that DARA will be able to pay these primary school teachers more than Sh. 25 a month. It has been rather shocking with a budget like this, which is trying to show nearly £700,000 more expenditure than last year, at the same time says that it is impossible to pay primary school teachers more than Sh. 25 a month. I maintain that the future of the country very greatly depends on primary school teachers.—There is such a thing as bad education as well as good education, and you cannot afford to run the risk of giving these Africans bad education.

That brings me to another point, which is that I believe that we must face up to this issue of educating the natives. I claim to be as impatient as any man to see it done, much as I believe that I shall do not believe it can be done in a revolutionary manner, and that it must be evolutionary. In my opinion, nothing could be more cruel to these people or more calamitous to the State than giving them just sufficient education to make them dissatisfied with their lot and not at the same time providing opportunities for them to improve their lot. I think it must be evolutionary, and must be of slow growth. Even then the cost of it will be greater than the recurrent revenues of the Colony can stand, and I therefore suggest it should be put under DARA.

[Mr. Couldrey]

I am coming back to it, but for the moment I have finished with the general make-up of the budget, and I am going to deal with a few details. There are very few, only those which other members have not stressed or have asked me to bring up.

The first is under Civil Aviation, on page 61, subtidy to B.O.A.C. Sir, as you will notice we pay a subsidy to the B.O.A.C., not a big one, and it is quite right that we pay it. But I suggest that this next year it be not paid or, if it is, that it be reduced to one shilling, and that Government writes a letter to the B.O.A.C. and say the reason is they are entirely dissatisfied with the B.O.A.C. charges for air travel. At the same time I would ask if the framer of that letter could ask the B.O.A.C. to give us a definition of a "very important personage," because if ever I travel by air again—and my doctors and bankers do not think it desirable for me to do so—I shall certainly want a certificate from you, sir, that I am a "very important personage," so that I can get a modicum of comfort when I am on the ground!

The second point is the Information Office, page 164. I am going to suggest that this Information Office as such be abolished. Like the hon. Member for Nairobi North, I think the Information Officer did a good job of work, but I think his need has gone, and I think the Office could well be abolished as regards the European and Indian sections. Very definitely it cannot be abolished as regards the Africans, and I suggest that that part of it be transferred to the acgils of the hon. Chief Native Commissioner. I would like to say, too, that I do not believe this abolition of the European and Indian sections will be an economy for very long, because my opinion is that this African section will have to be considerably increased. I entirely agree with the hon. member Mr. Mathu when he said, tell the Africans more of what you are doing. Theoretically there are two ways to govern a country: one with the goodwill of the people and the other against the wishes of the people. In practice, there is only one way—with the people, and the way to get with them is to tell them what you are doing and, when practicable, the reasons. You could not rehabilitate the Kiambu reserve with

bayonets, you must do it with the consent of the people, so that although I advocate the abolition of the European and Indian sections I do not believe it will be an economy for very long.

The next item I have got is the Governors' Conference. Oh, the Governors' Conference! (Laughter.) Sir, at one time I thought that this was a book of fiction; then I thought that it was a mystery novel; now I think it is a crossword puzzle. Just look at that. It shows a very small sum, but everybody knows that under the Governors' Conference they spend a lot of money. Look at the subventions, see what goes in them! It comes out afterwards I have no doubt, but it goes in, and I would ask my hon. friend the Acting Financial Secretary if he prepares another budget that he will try and keep things under their proper head. What is a subvention? Why should it not be shown under the Governors' Conference if that is where the money goes? That is all I have to say about that. (Members: "Oh!" and laughter.) I would like to say a lot more, but my hon. friend the Member for Nairobi South will shortly table a motion on the subject.

The hon. member Mr. Mothu, who is not present now, made a point about pyrethrum which I thought was good. He said that if children were employed the owner should see that every possible facility was given them for schooling. I have not been able to make a survey of all the pyrethrum owners, but I am chairman of the board and I made a few tentative inquiries, and in the district where I made them, near me, quite the biggest majority of farmers run bush schools for the children they employ. On that subject too the hon. Member for the Coast had something to say. He asked why it was that the Sisal Board paid so much in and paid fully for its agricultural attentions and the Pyrethrum Board apparently did not? Well, of course, I know nothing at all about the Sisal Board, but I do know something about the Pyrethrum Board, and the facts are these. Rightly or wrongly, this Government maintains an Agricultural Department to go in for research and to give assistance to farming and agricultural industries. One of the most important of the Industries is pyrethrum, seeing that this year it will probably bring

[Mr. Couldrey]

into this country something like a million pounds sterling in dollar credits. (Mrs. Watkins: Coffee does that!) In dollar credits it may be so, but I do not think it has. Anyhow, pyrethrum has, and surely if we maintain an Agricultural Department at all it is right it should render service to the extent of £2,000 a year to such an industry as this which gives employment to just under 1,000 farmers, including quite a lot of African farmers.

The next point concerns the hon. Member for the Coast, who asked for an increase of taxation. He said he wanted to help the tourist industry, and the suggestion to help it was to put a tax of 10 cents on petrol. Admittedly the money was to be devoted to the improvement of roads. Any request for taxation must be taken notice of, and I submit that to make motoring more expensive is really an extraordinary way of helping tourism.

MR. COOKE: On a point of explanation, the hon. gentleman misunderstood me. It would help tourism if we had better roads, and we cannot get them without having this road fund that is my contention, rightly or wrongly.

MR. COULDRAY: I will have another go at the hon. member! (Laughter.)

MR. COOKE: I will come back again!

MR. COULDRAY: If I heard the hon. member rightly, he was very concerned about the prisons, and he thought the status and emoluments of the Commissioner of Prisons ought to be increased. One argument he put up was a good one. He said that since the position of the Commissioner of Prisons had been instituted, that officer had had a lot more responsibility put on him. He then went on to make the most extraordinary argument. He said that why he wanted this officer's emoluments increased was that he was a good man. Well, has the Civil Service sunk to such a level that when we get a good man we must immediately have to say: "Give him some more money?" (Laughter.)

MR. COOKE: Again on a point of explanation. The hon. gentleman with his great, I am going to say, veracity, has misunderstood me. I said the main reason why I thought the pay of the Commissioner of Prisons should go up was

because he had many additional duties, and I said that it was an additional reason, perhaps not the main reason, that we might lose a very good man unless we gave him good pay. It is exactly the same argument that my hon. friend used about the Chief Secretary. (Laughter.)

MR. COULDRAY: Well, I have been 25 years in this country and have seen some pretty dull heads of departments in my time, and I have never yet heard any argument advanced that because they were dull the status of the post should be lowered together with their salaries. (Laughter.)

The next item I have got a note of is this question of mines, and it really concerns the new set-up. I happen to represent a mining constituency, and when I saw that Sessional Paper I naturally tried to get in touch with the Chamber of Mines, and I had a telegram from them which requests me at all costs to urge that the Assistant Commissioner of Mines included in the new set-up shall be a technical man, and they do not want anything in the nature of a consultant. I have no arguments in front of me, all I know is the body which directs the destinies of the mines has this wish.

Now I have got to come back to the general structure of the budget again. We are, sir, living in abnormal times. At the beginning of this session my hon. friend the Member for Nairobi South made an impassioned appeal that we should be in partnership with Government, and I have heard many members say that we should co-operate with Government. I entirely and utterly agree. In times like this it is up to all of us to try and assist Government and therefore I will try and do it, not by talking but by actually doing something. And in order to assist I am going to move an amendment to the motion. I say in order to assist because, as you know, this stated policy is to see that a halt is called to recurrent expenditure, and I am going to do something which I trust will help them carry that into effect. My amendment will read: "That the original motion be amended to read: That the draft estimates of revenue and expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946 and the draft schedule of loan expenditure be re-

(Mr. Coudrey)  
ferred to the Standing Finance Committee so that the said draft estimates of revenue and expenditure be examined with a view to the estimated revenue being reduced by an amount of £500,000 and the recurrent expenditure of the Colony and Protectorate of Kenya being reduced by at least £500,000 and the non-recurrent expenditure thereof being reduced by a like amount, provided that the total estimated figures for education under heads 12 and 12a be not reduced thereby."

Talking to the amendment—I am getting a fresh wind here (laughter)—this amendment has been produced entirely to help the Government. They say this, that if there is more recurrent expenditure then financial troubles are inevitable. I do not want to see financial troubles. I have lived in this colony for 25 years, and twice in that time I have seen this Government do what this budget, if it is not amended as I suggest, boost up expenditure to the skies when times were good only to be forced to reduce them when times were bad, and I do not want to see that happen again. As you will notice from this amendment, it is not making any suggestion at all of any interference with the development plans, such as they are, or reconstruction plans. It does not touch them at all, it merely has to do with recurrent and non-recurrent expenditure. You may say "Why non-recurrent?" Because in a country which has this peculiar system of book-keeping as this Government has the non-recurrent expenditure means always recurrent. Surely there are enough Irish members in this Council to appreciate that! But so long as Government does not put forth in its balance sheet any great sum for depreciation or dilapidation or insurance, therefore it is obvious there must always be a lot of non-recurrent expenditure being recurrent. (Mr. Cook: How?) My hon. friend does not understand, and I will talk down to his level later. (Laughter.) Before my hon. friend tried to get me off my stride, I was saying that this non-recurrent expenditure must always be with us. As a matter of fact this division between recurrent and non-recurrent expenditure could be used—I do not say it is being used—as a pretty little device to pull wool over our eyes. They say that recurrent expenditure has not gone up but the non-

recurrent has. It is all the same thing. It has all got to come out of revenue and revenue out of taxation. As you can see, this amendment proposes a certain amount of pruning. It requests the Standing Finance Committee to prune the estimates of recurrent expenditure by half a million. It would have been easy for us to say, "Do not touch this or do not touch that," but, after all, the fact that we have moved an amendment to the main resolution does not mean that we have lost all faith in the Standing Finance Committee. That committee, after all, is made up of members of this Council, many of them are elected by ourselves, and we do trust them, and we do leave it to them, to see that they do not do anything such as cutting down the Police vote to an absurd figure. I have called it an amendment, and by Standing Rules and Orders I have to call it an amendment, but it is really an addition. I am moving this under No. 35, which says that a motion can be amended by inserting or adding other words. That is what I have done. Many hon. members have already said that they would support the motion that these estimates go to the Standing Finance Committee. I also support that, but the fact that they support that does not mean that they cannot also support this amendment stating what the terms of reference will be. I beg to move.

Mr. WRIGHT (Aberdare): Your Excellency, I beg to second the amendment and crave the privilege of being allowed to speak on it at a later time.

His EXCELLENCY: I am afraid the hon. member cannot do that: he must speak now or there will be no second to the amendment.

Mr. COUDREY: He has already seconded the amendment.

His EXCELLENCY: I shall have to rule him out of order when he tries to speak later on.

Mr. WRIGHT: I must accept your ruling, sir, on that, and am glad you have made it, because a measure of latitude has been allowed in varying degrees in the past and I for one have wanted an authoritative ruling, which we have at last. You will, however, appreciate the difficulty under which I labour, inasmuch as I am the last elected member to speak to the amendment, and I

(Mr. Wright)  
must do so without hearing the views of hon. members on the other side. There will be no opportunity to make any criticism of any destroying action they may care to take in respect of the amendment put up by my hon. friend the Member for Nyanza. That, of course, might be taken by him and me as meaning that Government will graciously accept the amendment or addendum to add to the original motion as a warning and an instruction to the Standing Finance Committee to pay particular heed to the very extravagant estimates that have been presented to us and discussed during the last fortnight or so. But now, your ruling does in fact muzzle me to a very great extent. That is probably a very good thing, and my example in brevity may be a model to many members on this side of Council, for during the last fortnight the debate has been amusing but certainly protracted!

The amendment is the only thing before Council now, and I am greatly muzzled in respect of some of the things I had wished to speak about, but I am a person very respectful of authority and I consider your ruling to mean that I should stick strictly within the confines of the addendum to the original motion, and I propose to do so.

His EXCELLENCY: I should like to clear up a point. We have consulted the authorities and I have taken advice on the matter. The hon. member is perfectly at liberty on the amendment to speak on anything in the budget. The point is that he may only speak once. He is not restricted in what he says any more than any other member. He is now speaking in support of the amendment, and no doubt he will keep to the point as much as all other members! (Laughter.)

Mr. WRIGHT: Thank you for that extraordinary latitude which I hope other members will not avail themselves of!

I agree that the amendment is worded in such a way that one can travel over many of the points already dealt with of a *nauseam*, but for the comfort of the Council and in respect of one particular head I will say that, in common with my colleagues, when the estimates were first presented I went home and made voluminous notes, planning to make a

speech that would go down in history as one of the wisest in this Council. Most of my colleagues did the same, and most of them think that they did it, but I was one of the unfortunate victims of a burglary in my house last week—the first, incidentally, in 34 years—and the thief or thieves were so misguided as to take my voluminous notes along with my money and other things that I prized dearly. (Laughter.) You will gather from that that I am not asking, for anything, as most of my colleagues have done for their constituents, but I do ask that the police vote should in no way be reduced. Nor am I going to talk about the wave of crime because I was a personal victim, but I will mention in passing some of the grave disabilities affecting visitors when such things happen and to wonder if means could be found through the hon. Director of Medical Services to remove such things.

A friend of mine flew out from England last week. I went to meet him at Kisumu. While he was my guest, between the hours of 1 a.m. and dawn, this theft took place. He suffered much more than I did in that he lost his money, mostly English, his letter of credit, his passport, and worst of all, his papers certifying that he had been vaccinated, inoculated for yellow fever, and the lot all disappeared. He is on his way to Nyanza, but his departure from Kenya is arrested by the absence of these important documents. I put it to the hon. Director of Medical Services: if a man comes out by air from London, past Cairo, and arrives at Kisumu, the presumption is that he has told the truth and had these certificates, that he had a passport for the information of other Government officials, and there should be some device so that victimization by burglary does not prevent him filling his ordinary programme of work. I hope some remedy can be found as he is still waiting permission to go south.

There is one particular matter, I wish to refer to. I am indebted to my hon. friend the Member for Agriculture and Natural Resources. In another capacity, namely as Chairman of the Production Board, for allowing a certain report of a sub-committee of which I was chairman to be printed. That, I hope, will be circulated to members opposite so that they may study in not too critical a way

[Mr. Wright] the case that we as a sub-committee have put for the farmer in respect of income tax. They might even prevail on my hon. friend the Commissioner of Income Tax to take more than an ordinarily sympathetic view, though we agree that he has met us in one or two matters most nobly. However, you will remember that the hon. Commissioner of Income Tax has got his job to do, and that it is to derive revenue from income tax, but when one sees in the Estimates that his estimate (because I imagine it is his estimate) is £13 million for the forthcoming year, and that, as the hon. Member for Nyanza has pointed out, from so few taxpayers, and that mainly from one section of the community, one begins to derive a very clear impression that the income tax, which originally started I think in 1927 at a modest estimate of £47,000 a year, has now reached such tremendous proportions that it is nothing less than a grave tax on the development of a very young and undeveloped colony, and that we all, I trust, want to avert, but in respect of the farmer, for whom I am chiefly speaking, in referring this matter to the Standing Finance Committee I would ask if they must do any whittling, or arrange that the whittling shall be done for the farmer at least, and that very liberally, on the income tax issue.

I am not exactly sure of the facts, but the presentation of this amendment, or this addendum, to the motion was rendered imperative by the very extravagance of the Estimates and by the D.A.R.A. concomitant, which I think is a thoroughly draft document. This means, if I understand it properly, that, whether it is passed or not, the Standing Finance Committee will go warily in respect of the Estimates, both on the revenue and especially on the expenditure side, and resolve that now is the time, and possibly the last chance, to build up something in the nature of a reserve, without which all these D.A.R.A. schemes will not operate, whatever they are—and I should like to know more about what they are; whether, as the hon. Member for Nyanza has just pointed out, they are expecting such things as a blank cheque to spend vast sums of money over a period of years more or less as they like, and if un-

happily in the interval the ordinary annual Estimates of receipts and expenditure do not balance, then the country is bankrupt and the D.A.R.A. schemes must cease. So with these few remarks I would urge acceptance of this addendum to the motion, but request that the Standing Finance Committee will give particular heed to the case of the farmer in respect of income tax.

**HIS EXCELLENCY:** Would the hon. mover of the amendment be good enough to make the position quite clear? From what he and his seconder said I am in some doubt. If he means that the amendment shall be taken to a division, then I must adjourn for a few minutes and consult with my advisers before deciding on the line Government is to take. If he means, however, as his seconder seemed to imply, that he wishes this amendment to be on record and the Standing Finance Committee to take action on what has been said, but that he is not going to press the amendment, we can, of course, go on with the debate now. But if he wishes me to put the amendment to a division I must take advice.

**MR. COULDREY:** I wish to put it to a division; I wish to press the amendment.

**MR. COOKE:** I do not know if we all on the side of Council agree with the amendment. I think we should have an opportunity of speaking. I am opposed to it personally.

**HIS EXCELLENCY:** There will be an opportunity of speaking, but I should like to take advice, because I only had official intimation that there was to be an amendment a quarter of an hour before we started. I was given a draft of what was going to be put, but it was only at the end of the speech that he announced that he was moving an amendment, and I must consult with my advisers as to the line we must take on the amendment.

**MR. COULDREY:** I agree to that, sir. I want to press this to a division, even at the terrible risk of my hon. friend Mr. Cooke disagreeing with me. (Laughter.)

Council adjourned at 5.05 and resumed at 5.20 p.m.

**HIS EXCELLENCY:** The question before Council is now the amendment moved by the hon. Member for Nyanza, which I think I had better read out in order that there may be no doubt in any member's mind. The amendment is that the original motion be amended to read: "That the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946 and the Draft Schedule of Loan Expenditure be referred to the Standing Finance Committee so that the said Draft Estimates of Revenue and Expenditure be examined with a view to the estimated Revenue being reduced by an amount of £500,000 and the recurrent Expenditure of the Colony and Protectorate of Kenya being reduced by at least £500,000 and the non-recurrent expenditure thereof being reduced by a like amount, provided that the total estimated figures for Education under Heads 12 and 12A be not reduced thereby."

**MR. VINCENT:** Your Excellency, I rise to speak in support of the amendment. I do so, but not on the precise grounds which were enunciated by the hon. mover. I understand from him that he does not regard this as an irrevocable instruction to the Standing Finance Committee on the part of this Council. It is a warning of the necessity to make a halt so that we may review the position and find out where we are before we enter into schemes rather beyond our future financial resources, and I am certain that the Government indeed would be delighted if the Standing Finance Committee could perform the task which is set it in this amendment as worded.

There are one or two points the mover made which I must touch upon. We have asked for progress in this country; we have asked for good men. We have ascertained beyond doubt that we must pay for good men and we must retain good men who are here, and we must not retain them to their disadvantage. He has agreed with that. I should mention that my colleagues in the budget debate proper, as it were, were almost unanimous that we should do our utmost to cut down recurrent expenditure to the figure that appeared in last year's estimates, and therefore there is nothing

inconsistent in my attitude and the attitude of most of my colleagues, in being more specific in the wording of the amendment for the guidance and the caution of the Standing Finance Committee, and I think it is only fair to the mover to say that in his speech, if I remember it, he said that Government could have done two things: either mark time and just waddle along, or else step out in a progressive spirit. I believe these were the words he used, or that was what he meant. Most of my colleagues, and certainly I feel that there is a wiser middle course than either of those two, and it is for that purpose that this amendment is before the Council: this afternoon, in order to make the country and the official members of this Council understand that we, like them, are alive to our responsibilities and that we must take the middle course, and a very careful course. We do not want vast retrenchments, which are bound to occur if things go wrong, and we are worried—and we have reason to be worried—that revenue may seriously drop in the coming year. I do not propose to go into details as to why that should be so, because they are elementary. That, sir, is why I rise to support this amendment, and because to me it means that the Standing Finance Committee (of which, unfortunately, I am again to be a member!) has to take the very greatest care to try and pilot the finances of this country through this critical period in the most careful manner possible.

I beg to support the amendment.

**MR. COOKE:** Your Excellency, I rise to oppose the amendment. I must say that, having listened to the torrential eloquence of my hon. friend, it was a relief when the seconder, in his quiet, cultured voice (laughter), seconded the motion. I cannot understand quite why the mover has wasted the time of Council by bringing in this amendment. It seems to me, as he was himself a member of the Standing Finance Committee, he could not have made more certain, that these estimates would receive the careful consideration of that Committee than he remaining on it himself, but my hon. friend has deserted the ship and is now going to remain a critic of what the Standing Finance Committee decides. I would point out to the hon. gentleman that if he had remained on this Com-

[Mr. Cooke] This motion he could have avoided this Committee completely because, of course, with him on it we would have ensured that this £500,000 would have been cut out of the Estimates.

This motion either is an injunction to the Standing Finance Committee or it has no meaning at all. If it is an injunction, I think it is most improper that he, or anyone, should try to fetter that Committee, which is supposed to be a Committee meeting with an impartial mind, by attempting to issue this injunction. It really means that he wishes that the Standing Finance Committee will not only unbalance the Estimates but cut them down, whether or not that cutting down is productive or unproductive; that it is really mandatory on them to cut the Estimates down. I take exception to that. I cannot see, unless that was the intention, what meaning the amendment can have, because it has been stressed by many speakers that the Standing Finance Committee should exercise great care in going through these Estimates, and it does not need any impetus from the hon. gentlemen to impress upon the members of the Standing Finance Committee that it is their duty to cut down expenditure wherever they can economically do so. That is the reason I oppose the amendment.

Mr. NICOL: Your Excellency, I did not intend to intervene, but I must rise immediately and protest against my hon. friend the Member for the Coast for his unwarranted attack on my hon. friend the Member for Nyanza. The hon. member was fully aware of the reason why the hon. Member for Nyanza found it necessary, and incumbent on him really, to come off the Standing Finance Committee, and I do not think it was at all fair for him to make the remarks he did. (MR. COOKE: Tell us the reason.) I think the hon. member knows perfectly well.

The hon. Member for Nairobi South said that the hon. Member for Nyanza did not intend the instruction as irrevocable, but it was a very serious warning to the Standing Finance Committee. That is all I am going to say on the matter. I support the amendment.

Mr. TROUGHTON: The amendment moved by my hon. friend the Member

for Nyanza as I see it falls into three parts. First, he suggests that the revenue estimates should be reduced by £500,000; secondly, that the recurrent expenditure should be reduced by at least £500,000; and thirdly, that the non-recurrent expenditure should be reduced by a similar amount, and that the Standing Finance Committee should examine the Estimates with a view to achieving these reductions.

In the first place, with regard to the revenue side, the revenue estimates must and should, to be honest estimates, represent the amount of revenue which we expect to accrue during the year 1946, and it would be very wrong for the Standing Finance Committee to recommend to this Council a number of estimates in which the estimated revenue was to be at a figure lower than that which we have every reason to expect. It may possibly be that the revenue estimates are on the high side; it may equally be that they are on the low side. For the past few years we have estimated revenue extremely conservatively, and each time we have had a surplus over the estimates. But I suggest that it would be very improper for the Standing Finance Committee to reduce the revenue estimate below the figure that we expect to accrue, and therefore I do not think that it is possible to enjoin them to work towards a specific figure. What they should do, and what it is their duty to do, I suggest, is to examine each item of the revenue estimates in the light of all the information that can be made available to them and see whether or not it is fairly estimated.

Now the second part of the motion regarding recurrent expenditure. I yield to no one in my desire to keep the recurrent expenditure of this Colony within due bounds; it is absolutely essential that it should be so kept, and the phrase in the memorandum about a halt in recurrent expenditure was a phrase for which I was responsible. But what are the facts? These estimates of recurrent expenditure in fact include a very great deal on account of war costs, or costs arising directly from the war—the increased cost of this and that; cost of living bonus and so on—I need not detail them. I do happen to know the details of these recurrent estimates intimately, and I am perfectly satisfied that a reduction of the order of £500,000

[Mr. Troughton] cannot be achieved without embarking on a programme of retrenchment with the curtailment of services to the community which are actually operated to-day. That is the effect. Therefore I consider it is impractical to revise the Estimates by the figure mentioned by the hon. member. But it is essential that the Standing Finance Committee should go through these Estimates carefully, and reduce expenditure wherever possible, and I can assure hon. members on the opposite side that in that task the Standing Finance Committee can count on the full support and assistance of the official members of the Committee. (Hear, hear.)

As regards the non-recurrent side, a great deal of that is due directly to the war. I need not go into details, therefore I need no to hon. members have only to study the Estimates to see themselves. These Estimates were framed within a month or two after the end of the war with Japan, they were in process of being framed when the war ended, and they cannot and do not represent a peacetime budget. May I say that it is utterly impossible to reduce the estimates of non-recurrent expenditure by any figure approaching half a million, but I do say that in its endeavours to secure economy the Standing Finance Committee, the unofficial members, can count on the full support and assistance of the Government members; and, in particular, myself.

I know that this resolution was not intended to be regarded as an instruction to the Standing Finance Committee, but it is a goal to which they are asked to aim, and I would say it is an utterly impossible goal for the reasons I have mentioned. I hope that in view of the statement that I have made as regards the attitude of Government towards this question of non-recurrent expenditure, the hon. Member for Nyanza will see fit, with his secondor's consent, to withdraw this amendment, but if he feels he must press it, all I can say is that Government must oppose it, much though we all agree with the spirit actuating the amendment proposed by the hon. member.

ARCHDEACON BEECHER: Your Excellency, I rise to oppose the amendment now before Council. As a member of the Standing Finance Committee, I must

vote against it in view of the fact that, at any rate in spirit, this amendment implies a vote of no confidence in that Committee, in spite of all that the hon. member moving the amendment might have said to the contrary for, having listened to the eloquent pleas of members on both sides of Council for variations in the budget of various kinds I, as a member of the Standing Finance Committee, together with my colleagues on that Committee, am in conscience bound to give careful heed to all these points and to use every opportunity that presents itself during the Standing Finance Committee stage of incorporating their suggestions for a reduction of the budget into the budget itself. We might have had something between 200 and 300 amendments moved by various members as they spoke, seeking to get their particular view placed before the Committee in that same special way that the hon. Member for Nyanza has sought to do in respect of a reduction of the budget in certain aspects, but I as a member of the Committee, having stated as clearly as I can that I am in conscience bound to pay heed to the pleas which have been made, must also add that I refuse to be tied hand and feet by an amendment of this nature. Sir, I regret that I must oppose it.

MAJOR CAVENDISH-BENTLEY (Member for Agriculture, Animal Husbandry and Natural Resources): Sir, I would like to speak not merely on this side, which I am, Government on this side, which I am, but as a very old member of the Council but who has taken part in many budget debates on the other side, and to say that I am utterly opposed to this amendment. I want to oppose it for two reasons. My first reason is one connected with the usage of this Council. The Standing Finance Committee is a sub-committee of the legislature of this Colony, and the legislature of this Colony—

MR. COOKE: Order, order! Is it not a committee? The hon. member said a sub-committee—I submit it is a committee.

MAJOR CAVENDISH-BENTLEY: Committee, if you like, or sub-committee, whichever word you like, of Legislative Council of this Colony, which has considerable powers as regards finance, and



[Major Cavendish-Bentick] a motion of this kind can only be regarded as an instruction to the committee, which is appointed by this Council, in its methods of dealing with the budget. Those instructions, in my mind, do not even make very much sense, if you look at the items, all nine of them, from which this £500,000 has to be pared, bearing in mind that the hon. member has stipulated that they are not to touch education, not to touch medical, not to touch the police, we cannot touch aviation, and I doubt if the hon. member would want to touch contributions to local authorities. I only mentioned a few, but if you add them up they represent over £420,000 of the increased expenditure. The same arguments would apply to non-recurrent expenditure. If you are going to give an instruction to a committee of this Council, then I say let it be a sensible one and not one that might be popular but which in effect is entirely impracticable.

Now for my second reason. This budget has been called by various members and by yourself, sir, in one case, as another of the series of wartime budgets at the first reconstruction budget and at a save-the-soil budget. The same fact is, of course, that it is our first budget after active hostilities have ceased, and it is in fact our first reconstruction budget from the mere fact of its second half being referred to as D.A.R.A. estimates. What does this contention really amount to? It has really arisen on a matter of policy, and the question is: Are we going ahead after this war—at the risk, possibly, I will grant you, of incurring rather too much recurrent and other expenditure—to develop and try and get this country on an even keel so that we can continue to go ahead, because we have been singularly lucky during the war, or are we to cut down on recurrent expenditure so that we can hoard a nest egg like Dismal Jimmies and wait for the problematical disasters to come? There are plenty of arguments on both sides, and it is not for me to say which is right, but I know which is the right course in my own personal view—non-Government's own entirely personal view—that this country is going ahead. If we suffer, well, we shall have been completely wrong, but we shall not be overrun by a tidal wave because we

do nothing about it. We have got to make this country fit for the small people to come to, to be happy and prosperous and cease the policy of waiting for a few rich men to come and develop the country for us, which it has taken them a mighty long time to do. Now we have some money, and experience of benefits accruing from certain expenditure during the war. Now is the time to go ahead and try and get the country launched on an even keel. The hon. mover of this amendment said this afternoon that there were right and wrong times to incur expenditure, in his opinion this was the wrong time. Well, sir, he is entitled to his opinion, and he may be able to turn round and say "I am right". I disagree, and say the right time to try and get the country moving is now and do the best we can to benefit and amplify the heritage left to us by our predecessors.

Before closing, I would say one more thing. I regret very much that the hon. member in his remarks has seen fit to attack the new set-up. Perhaps I am the last person who should talk about it as I am the one person vitally involved in it, but I am going to talk about it. All elected members, I think, were in favour of the new set-up, firstly, because it was going to decentralize an over-clogged machine, and, secondly, because it did give the people of this country—and I say people of this country including all races—an opportunity of taking part in responsibility in the affairs of this country. Therefore I regret that he saw fit to attack it. I would only say that I disagree with him, and say that the change was overdue and that I personally welcome it, and even if I go out to-morrow I think the change should continue. It is said that these new arrangements are going to cost an enormous amount of money, and I believe he referred to the bad example I have given! All I can say is that, as far as I am concerned, since I have taken up office there has been no increased expenditure at all except that my own salary is larger than what I got as Chairman of the Production Board. There is no increase in committees that were in existence during the war, and my intention is to reduce them as soon as possible.

I oppose the amendment.

Mrs. WATKINS: Your Excellency, I rise rather as the ingenué of this party. I am not quite sure why you cannot cut out that item on page 193—unallocated expenditure, £500,000. I dare say I am the infant terrible asking such a silly question, but I should like to know why in a big budget like this £500,000 should be included for unallocated expenditure with no explanation for it.

MR. VASEY: Your Excellency, I rise to oppose the amendment, and I should like to open by associating myself most wholeheartedly with the remarks that have been made by the hon. Member for Agriculture. I say now that I am extremely proud to have followed him in the representation of Nairobi North. I also am very new to this Council. This budget has been debated for days, and I would say almost endless hours, and during the course of that debate every member made his or her individual suggestions as to whether reductions should be made on the expenditure side of these Estimates. (His EXCELLENCY: And increases.) (Laughter.) And increases. I was under the impression that the reason for this debate was that members should express their opinions, that the members of the Standing Finance Committee should listen carefully and carry into effect as far as possible those suggestions. I oppose the amendment because I refuse to set the Standing Finance Committee a target when I myself have been unable to make any concrete suggestion as to how they should arrive at the amount named. I have been carefully through the budget and spoke at considerable length as a new member, but after everything was said and done I could not see any reduction of more than £100,000 or £150,000, even if all the suggestions that were made were adopted. I would like to say that I hope there will be a reduction in expenditure, but I have confidence in the Standing Finance Committee that it will make those reductions wherever possible, and I refuse to be a party to an amendment which I consider an extremely foolish and impractical suggestion.

MR. BOWSER: Your Excellency, I as a member of the Standing Finance Committee am also going to oppose this motion. The reason I am going to oppose it is not because I do not agree

with the hon. mover—in fact, I thought I made it very clear that I consider very, very substantial reductions should be made—but because I believe that whether he wants to or not he will be tying the hands of the Standing Finance Committee very, very considerably if this amendment is accepted. I sincerely trust that he will see fit, after having brought home to the Council the seriousness of the situation, not to press this matter to a division. On the other hand, if he presses it to a division, I shall certainly vote against it because, as was very carefully stated by the hon. Member for Agriculture, he might as well have used the word shilling, or thousand shillings, or one hundred thousand shillings instead of £500,000, but by using those large figures he has made the job of the committee almost impossible. I would much prefer that he had done it the other way and thrown the budget back at Government and say he was not like it. I am sorry that I cannot support the amendment, and I seriously appeal to him to consider withdrawing it after having made his point.

MAJOR JOYCE: Your Excellency, I had, when I first saw the amendment, intended to support it, but I regret to say that I am now going to oppose it. My reason for that is that I have yet to hear from the proposer any practical suggestion other than the transfer of the overdraft from one bank to another—which is a thing I have done myself in the past (laughter)—and I fear very much that the Development and Reconstruction Authority, the new set-up, can only suffer, and suffer seriously, by what may or may not be an instruction, at any rate an attempt, to reduce expenditure by so large an amount. I personally am very glad that the amendment has been put up, because I think it has given an indication to all members of this Council how seriously we consider the very heavy rise in recurrent expenditure, and how the matter of the amendment has achieved that purpose I hope very much that he will see fit to withdraw it.

MR. TRENCH: Your Excellency, before this amendment is put, I would say that I am one of the limited number of Irishmen in this Council reputed for their obstinacy, but it seems to me there is one

[Mr. Trench] more to be added to that number; that is the hon. Member for Nyanza. I suggest that he should withdraw this amendment. I do think it has served its purpose. We have debated the matter now for many days, it has been stressed time and again by everybody who wants the Standing Finance Committee to do their utmost to bring down recurrent expenditure, and indeed that fact has even more been stressed by his amendment. Therefore I do think that he would serve the country well by withdrawing his amendment. I oppose it.

**HIS EXCELLENCY:** If those are all the members who wish to speak, may I say that I am in some difficulty about putting the question, as I believe we should be dividing the Council on a matter in which, as a matter of fact, there is no real division other than the technical division involved in putting the question. Although it is not only late in the day but late in the week, I would sooner adjourn Council now for members to consider their position, and resume to-morrow morning if that is considered desirable. If it is not, I must now put the question, unless members would prefer to adjourn until to-morrow?

**MR. NICOL:** Could we adjourn for five minutes to discuss the matter?

**HIS EXCELLENCY:** That is agreeable to me; there is no urgency.

**MR. SHAMSUD-DEEN:** May I be permitted to say that I want to give notice, whether this amendment is withdrawn or not, that I propose to move another amendment either this afternoon or to-morrow morning, of course with the consent of Your Excellency?

**HIS EXCELLENCY:** I am afraid the hon. member has lost the opportunity; he has already spoken. (Laughter.)

Council adjourned at 5.55 p.m., and resumed at 6 p.m.

**MR. COULDREY:** Your Excellency, I do not know whether I have the right to speak again. It is about the question of this motion.

**HIS EXCELLENCY:** The hon. member, of course, has the right to announce what he proposes to do.

**MR. COULDREY:** As my hon. friends during the recess have urged me, very very ungraciously and very reluctantly I withdraw the motion. (Applause.)

The amendment was by leave of Council withdrawn.

**MR. SHAMSUD-DEEN:** I should like to move an amendment now, unless Your Excellency rules that I have lost my opportunity. My reading of Standing Rules and Orders is that a motion can be moved at any time.

**HIS EXCELLENCY:** I am afraid I shall have to read them again.

**MR. SHAMSUD-DEEN:** The last amendment having been withdrawn, the motion stands in its original form.

**HIS EXCELLENCY:** I am advised that Standing Rule and Order 43 (b) puts the hon. member out of order. While the amendment was being debated he would have been in order had he proposed an amendment to the amendment, but that has been disposed of and he has already spoken to the original motion which is now before the Council, and therefore he is not able to speak again.

I understand that the hon. Commissioner of Income Tax wishes to address the Council next. He proposes to take 40 minutes, and before I ask him to start I should like to know whether hon. members would prefer to adjourn now—in which case we should, I think, have to meet earlier to-morrow—or let him start now. It would hardly be reasonable to start and not let him finish, but I am entirely in the hands of hon. members. My personal feeling in the matter is that we should be well advised to adjourn until 9 o'clock to-morrow morning, but if members prefer it we will let the hon. member speak now and adjourn afterwards till 10 o'clock to-morrow.

**MR. VINCENT:** He looks very tired, sir!

**HIS EXCELLENCY:** May I take it then that Council will prefer to adjourn until 9 o'clock to-morrow morning?

The debate was adjourned.

#### ADJOURNMENT

Council rose at 6.05 p.m. and adjourned till 9 a.m. on Friday, 30th November, 1945.

Friday, 30th November, 1945

Council assembled in the Memorial Hall, Nairobi, at 9 a.m. on Friday, 30th November, 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 29th November, 1945, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 137—GOAN MIGRATION

ARCHDEACON BEECHER:

Will Government please state—

- the number of Goans who have entered and left this country each year for the last three years for which figures are available;
- the estimated present population of non-naturalized Goans in this country;
- the estimated number of such Goans who are in the employ of Government, the Railway Administration, and Local Government Authorities?

**MR. SURRIDGE:** The figures requested are as follows:—

- Number of Goans who entered and left the Colony during the years 1942, 1943 and 1944:

Immigration. Emigration.		
1942 ..	817	365
1943 ..	308	111
1944 ..	427	244
Total:	1552	720

- Estimated present population of Goans including both naturalized and non-naturalized persons:—

Men .. .. .	2906
Women .. .. .	989
Children .. .. .	2291

Of the 2906 men approximately 30 have acquired British nationality by Certificates of Naturalization; a further number, which cannot be given without extensive research, are British subjects as a result of their having been born either in British India or in this Colony.

Similarly a large proportion of the 2,291 children are British subjects by birth.

(c) The numbers of Goans in the employment of the Government, the Railway Administration and Local Authorities, who have not been naturalized and who are not British subjects by birth are approximately:

Government .. .. .	570
Railway Admin. .. .. .	275
Local Authorities .. .. .	12

Total .. .. . 857

No. 138—MIGRATION

MR. PRITAM:

Arising out of the Government's reply to question No. 114, will Government please state if the numbers given refer only to entries into and departures from Kenya through Mombasa and Kilindini and do not include inter-territorial movements?

**MR. SURRIDGE:** The figures given in reply to question No. 114 cover entry into and departure from the Colony by road, rail and air as well as by sea. Inter-territorial movements are also included, though it will be appreciated that an accurate check on such movements is not possible.

#### STANDING FINANCE COMMITTEE

APPOINTMENT OF

**MR. RENZI:** Your Excellency, I beg to move: Be it resolved, that the composition of the Standing Finance Committee, which was appointed by this Council on the 11th October, 1944, in accordance with Standing Rule and Order No. 51, be altered by increasing its membership from eight to ten and that it consist of the following: Chief Secretary and Member for Development and Reconstruction (chairman); Financial Secretary, Member for Finance (deputy chairman); Chief Native Commissioner, Deputy Chief Secretary, Hon. A. Vincent, Hon. W. A. C. Bouwer, Hon. W. G. Nicol, Hon. S. T. Thakore, Hon. L. V. Cooke, Ven. Archdeacon the Hon. S. J. Beecher.

This motion is to a large extent necessitated by my appointment as Member for Development and Reconstruction. It is no longer possible for me to give as much time and attention to the affairs

[Mr. Rennie]

of the Standing Finance Committee as I used to do and as the chairmanship of the committee entails. It is therefore proposed that I should in fact become titular chairman only, and in the normal way my hon. friend the Acting Financial Secretary would preside at meetings of the committee. If at any time matters concerning the Development and Reconstruction Authority come before the committee for consideration I would then attend and take the chair. In order to ensure that the general side of the Secretariat is represented on the committee, it is kept in close touch with the activities of the committee, and is in a position to give the committee advice on matters of general policy, it is proposed that the Deputy Chief Secretary should be added to the membership.

Hon. members will realize that up to date the membership has been eight. It is now proposed to make it ten; first, by the appointment of the Deputy Chief Secretary, as I have mentioned; and secondly, by the appointment of another unofficial member. For some time the Arab community has pressed for the appointment of a member to the Standing Finance Committee to represent Arab interests, and the Government is taking this opportunity of acceding to the wishes of the Arab community. The hon. member Mr. Cooke has been asked by the two hon. Arab members on this Council to represent the interests of the Arabs on the Standing Finance Committee, and I am glad to say that he has accepted that invitation. (Applause.) You all know the interest that the hon. Member for the Coast takes in Arab affairs, and I am sure that Arab interests will be worthily left in his hands.

So far as African representation is concerned, Your Excellency decided some time ago that there should be an African representative on the Standing Finance Committee, and it is proposed to take advantage of the opportunity presented by the departure on leave early next year of the hon. member Archdeacon Beecher to appoint the hon. member Mr. Mathy in his place. In the meantime, of course, the Standing Finance Committee will have the benefit of the hon. member Archdeacon Beecher's experience in dealing with the difficult problems presented by the 1946 budget.

There is only one other change in the composition of the committee to which I would refer. The hon. member Mr. Coudrey regrets that, for reasons of health, he is no longer able to continue to be a member of the Standing Finance Committee. It is therefore proposed to appoint the hon. member Mr. Vincent in his place.

That, I think, covers all the points to which I need refer in dealing with this motion.

MR. TROUGHTON seconded.

MR. SHAMSUD DEEN: Your Excellency, I do not understand why the Arab community have asked the Government to give them one seat on the Standing Finance Committee when they have no one to put forward. It is an admission that they have no one really to put on the Standing Finance Committee to represent them. If that is the case, I think this appointment should be eliminated altogether. I entirely agree that, in the absence of any Arab member to represent them, you could not find any better person than the hon. member Mr. Cooke to represent them. But it does seem to me to be an absolute disgrace that the Arab community should put forward a Jaani and be unable to nominate a person to represent them.

Apart from that, I request permission to move an amendment: that a second Indian member be added to this committee. In doing that, I only wish to state that at the time when this Standing Finance Committee was originally appointed, Sir Joseph Byrne, the then Governor, called the Indian members to a meeting. He said he was quite prepared to appoint two Indian members to the Standing Finance Committee. The Indians then were in almost a similar position then to that of the Arab community to-day, and only one member was appointed. I submit that in view of the constitution of the committee, four unofficial European members being proposed, that it is only fair that an Indian member should be added. That is all.

MR. PATEL seconded.

HIS EXCELLENCY: It has been moved and seconded that the motion as proposed by the hon. Chief Secretary be amended by the addition of an Indian member. Do you wish to propose a name? This is appointing members by name.

MR. SHAMSUD DEEN: By the principle is agreed that an Indian member should be added, then the name can be a matter of Your Excellency's own choice.

HIS EXCELLENCY: I must draw the hon. member's attention to the fact that this is a motion that proposes that certain members of this Council should be appointed to the Standing Finance Committee.

MR. SHAMSUD DEEN: In that case I propose, with the permission of Mr. Pritam, that his name be added to this committee.

MR. PATEL seconded.

HIS EXCELLENCY: It is proposed and seconded that the motion standing in the name of the hon. Chief Secretary be amended by adding the name of the hon. Mr. Pritam.

MR. RENNIE: Your Excellency, I regret that the Government cannot accept this amendment if it is proposed to add still further members to the Standing Finance Committee to represent Indian interests. We should have to consider afresh the whole composition of the committee. This proposal which I moved in the first place was to deal with present-day circumstances. The hon. member Mr. Shamsud-Deen has not really given any reason for adding further members to the Standing Finance Committee. With all due respect to him, I remember not so very long ago when I had some considerable difficulty in obtaining Indian representation on the Standing Finance Committee, and it was only after I had persuaded him to stay on that we had Indian representation on the Standing Finance Committee during a matter of a few months. I therefore suggest that the motion should stand in its original form, and if the hon. Indian members of this Council feel that a further amendment, in addition to those that I have already proposed, is necessary, I should be glad if they would take the opportunity of discussing the matter with myself and the hon. Acting Financial Secretary to see if in any way a further amendment is really necessary.

MR. COOKE: Your Excellency, as the hon. member Mr. Sheriff Abdulla Salim is not here, may I have the opportunity of just very briefly explaining what the position is. Mr. Sheriff Abdulla himself would choose to be a member of the

Standing Finance Committee but he just cannot afford the time, and the hon. member Mr. Mbarak Ali, being on the Government side, thinks that probably it would not be quite suitable for him to be a member. I have been nominated on the distinct understanding that if and when an Arab can afford the time to be a member of the Standing Finance Committee I shall withdraw from the committee.

MR. SHAMSUD DEEN: I hope I have the right to reply?

HIS EXCELLENCY: Certainly not! (Laughter.)

The question of the amendment was put and negated by 30 votes to five: Ayes—Messrs. Patel, Pritam, Dr. Rana, Messrs. Shamsud-Deen and Thakore; Noes—Archdeacon Beecher, Messrs. Blunt, Bowler, Boyd, Maj. Cavendish-Bentnick, Messrs. Cooke, Coudrey, Donovan; Emerson, Maj. Joyce, Dr. Lockhart, Messrs. Marchant, Mbarak Ali Hinawy, Mortimer, Mundy, Nicol, Northrop, Rennie, Sir R. E. Robins, Messrs. Ross, Surridge, Foster Sulton, Tomkinson, Trench, Troughton, Vasey, Vincent, Mrs. Watkins, Messrs. Willbourn, Wright.

The question of the original motion was put and carried.

## DRAFT ESTIMATES: KENYA AND DARA

### REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. MUNDY: Your Excellency, I am disappointed that in the many words said on the other side of this Council so little has been said on the revenue side of the budget, with which I am chiefly concerned. Apart from a brief reference to it by the hon. Member for Nyanza, all that I have is a number of points or questions which have been raised: such as what I think I might correctly describe as a popular cry from the hon. Member for Nairobi North that some income tax relief should be given to the lower income group. That cry was echoed by the hon. Indian member, Mr. Patel, and linked with it there was the request of the hon. Member for Mombasa that we should consider relief in respect of children and life insurance. The income tax rates have been graduated to allow relief to the lower income group.

[Mr. Mundy] If any relief is due, then it should be considered in relation to the whole of the income tax scale, but I should like to say that I certainly have personal sympathy with the two points which the hon. Member for Mombasa raised. Those questions are to be considered in the promised fiscal survey which will need to go into all questions of that type, and I think it must be left to that fiscal survey to examine them in detail.

Apart from that, there was another special plea for the professional men in connexion with the excess profits tax. Here again, this is a special plea for a special class, and there will be 20 or 30 claims of various kinds to be considered when the excess profits tax is wound up, and that will certainly be the case with those things which will have to be dealt with at that time. There will be a bill before this Council, and when that bill is debated those various questions should be fully considered.

Apart from that, there was one specific question from the hon. member for African Interests (Archdeacon Beecher) on the question of the allowance of subscriptions to charitable institutions for income tax purposes, and he put us a seemingly unanswerable case by pointing out that the law in the United Kingdom provided for it and that the Government recognized children and life insurance. I rather feel that he might have come up to have a talk to me about it in my office, when I could put the position fairly clearly; I am afraid it will take me a few minutes to go into detail. The law in the United Kingdom does not specifically provide for these subscriptions. What happens is this. As the law stands in the United Kingdom, if an individual makes an annual payment to anyone else he can deduct income tax when he makes that payment. If, for instance, I made an annual payment to my hon. friend in front of me (Mr. Troughton) of, say, £10 a year, under the United Kingdom law I should be taxed at Sh. 10 in the pound, and I would only have to pay him £5 in cash and dock off £5 for income tax. If he was not liable for income tax, he would then go to the revenue authorities, and recover £5 from them, and he would thus get his £10. In the past that always applied in the United Kingdom for all annual

payments, and as a result of that I imagine some bright individual discovered back in I, think, it started about 1921 or 1922—in what was then considered the days of very high taxation in the United Kingdom (Sh. 6 in the pound)—that if you enter into a covenant to pay an annual subscription (that is what it amounts to) to a charitable institution, you may deduct income tax from it and the institution then goes to the revenue authorities and claims the money back. It was not the case that the United Kingdom revenue law provided for it, but that as it is constituted it is possible to take advantage of the system.

In Kenya it is said that the Kenya Government recognizes children and life insurance. A child is the legal obligation of the parents and, so far as life insurance is concerned, that has always been recognized as a man's individual savings, and in addition the revenue gets back part of the tax which it loses by taxing the profits of the insurance companies themselves. When you come to charitable subscriptions, what it amounts to is this. You would place in the hands of the private individual the right to direct part of the Colony's revenue into any particular charity he may think fit. That, I think, would need very careful consideration in that Government would want to see what charities are concerned, where the money is going. My view is, and Government endorses it, that if grants are to be made to charitable institutions they should go through the budget as in the present instance and be left to the oversight of this Council to say where the money is going. One further important point is that a rich man can make a subscription, and if he is paying Sh. 12/50 in the pound income tax it will cost him but Sh. 7/50 for every pound. The poor man has to put his hand in his pocket and pay the whole of it. The system here is the only sound, sensible one.

That deals with the main question put up of any importance, and I would like to say a few words on what is a more important subject, the broad revenue position of the budget.

My department has been seriously understaffed all through the war. I do not want to waste the time of Council in saying that, but it is important to bear

[Mr. Mundy] with a staff which is slightly in mind that with the minimum it has not been possible to do a lot of things which ought to be done. One of the most important things not done is the provision of adequate statistical information on the revenue which is collected in income tax and in other taxes, and I feel perhaps one reason why hon. members have not been able to say much about the revenue side is the fact that I have given them no material whatever on which to criticize it. There should be a statistical report to show how, why and where we are collecting taxes, income tax in particular, and I propose to give a brief survey of the income tax position, because I think it would probably make the whole question much clearer to hon. members.

It is important to distinguish between the cash yield which appears in the budget each year and the tax which is assessed on the annual profits. To give an illustration. The first year's profits which were taxed in Kenya were those of the year 1936. That tax was collected in the following year, 1937, and although the sum of £18,000 in cash came to the revenue in 1937 the actual yield based on the profits of 1936 was in the region of £140,000. With a shortage of staff and the fact that the original collection was late, the result has been that right through the years up to date the cash yield in the budget, in the annual statement, does not in any way represent the yield of taxation based on the annual profits year after year. The cash realization will run something like this: £18,000 in 1937, £104,000 in 1938, £140,000 in 1939, the £104,000 in 1938, £140,000 in 1939, the £104,000 in 1938, £140,000 in 1939, the £104,000 in 1938, £140,000 in 1939, and so on.

**HIS EXCELLENCY:** I should explain to hon. members that I have taken up with the authorities the matter of aeroplanes flying overhead and creating noise which prevents members from hearing what is said in these meetings. I understand that at the instance of two members of this Council a photographic survey is being made of the city of Nairobi, and whenever the sun shines the planes go up and photographs are taken. If hon. members like, I will get it stopped, but every day they try to complete so much of an aerial survey of Nairobi.

**MR. MUNDY:**—In 1938 it was £153,000, so that whereas the pre-war cash did not exceed an average of £100,000 a year the true pre-war yield was in the neighbourhood of about £160,000. That, I think, is very important. Following that, in the first two years of the war, 1940-1941, the rates of tax were increased, with a reduction in the personal allowances to Sh. 2 plus one-tenth of a cent, and the cash yield was £182,000 and £345,000. Here again the true yield was £427,000 and £670,000, although that cash was so much smaller in those years. Similarly, in the last three years the cash yield has been £470,000, £975,000, and then for 1944 it topped the million mark at £1,050,000, but the yields based on the assessments for those years were £1,012,000, £1,090,000, and for the last year it is at present £935,000 so that it will go over the million mark, so that really the position is that for the last three years, 1941, 1942, 1943, on the profits of those years the true yield of income is well over a million pounds; I put it down at about £1,100,000. During those years the income of the Colony, the profits of the Colony, have been fairly constant, and the fact that the budget itself, or the Colony's account, has shown a growing revenue does not reflect the true position. We have the position now that about £1,100,000 is roughly the annual yield from income tax based on the profits, or the national income, which is taxed in a year. That yield has also been very substantially effected by the fact that excess profits tax is deducted from the income before the tax is charged on it. The yield from excess profits tax annually is in the region of £600,000, and its effect on income tax is to reduce the yield from income tax by about £150,000; so that there is a true income tax yield based on fairly consistent profits for the last three years of one and a quarter million pounds, and it is that figure which appears in the budget as the estimate for next year. It has no bearing on what is going to happen next year; it is the yield based on the consistent level of profit which so far has not shown any serious fall. When I hear hon. members on the other side say: "I do not think you will get it," they will appreciate the very sound, reliable reason why we should get it. Part of the tax next year will be based on the profits of 1944, that is the second instal-

[Mr. Mundy] ment of this year's tax; the other half will be based on the profits made this year, and I think I can say that the estimate of one and a quarter millions in the budget is a sound, careful estimate, and I see no reason whatever to assume that it will not be obtained.

MR. VINCENT: On a point of explanation. The question of decreased revenue in no way referred to income tax. We realize that. It was more on the question of customs duty and the availability of shipping.

MR. MUNDY: I am dealing with income tax only. In looking at that yield of a million and a quarter, I should like to take the figure I gave of £160,000 as the pre-war revenue from the tax, and I have calculated what would be the yield at the present day rates of income tax. If we take our 1936 profits and charge them with present rates, we would get a yield in the neighbourhood of £400,000, so that the present yield of a million and a quarter is made up by roughly trebled rates of income tax on a trebled national income of the Colony and it is not right to look at the pre-war income tax and compare it with the million and a quarter now and say what a heavy tax burden has been placed on individuals of this Colony. The amount of money being left in their pockets is far in excess of what was left in pre-war years. That is extremely important to bear in mind.

I should like to say one word about what is described as the level of taxation. Everyone can calculate quite easily what they have to pay. Each individual knows his own income tax, and can say whether there is any real burden. The reply I always get is: "Yes, but you forget the terrible burden of indirect taxation." I should like to clear the air a little bit on that. There is a certain amount of information available which gives an indication whether this indirect taxation is a heavy one. There was the Moyne Report based on 1931, in which the customs and excise duty, which is the main other burden of taxation, showed that 61 per cent of the total yield of about £700,000, 43 per cent was borne by Europeans, 28 per cent by Asians, and the rest by other races and Africans, and with a population of 16,000 Europeans in that year and 53,000 odd Asians, the burden of

indirect taxation was roughly £20 per head of Europeans and £4 per head for Asians. In 1944 the yield of customs and excise duty was £2,400,000 roughly, and of that it is quite easy to see that about £400,000 was extraordinary revenue from excise on tobacco almost entirely borne by natives, and the hon. Commissioner of Customs has suggested that a figure of £600,000 should not be an unreasonable one to take as representing the duty which is yielded by the expenditure of the Forces in Kenya, not the permanent population. That would leave about £1,400,000 to be borne by the resident population, and taking the percentages that were adopted in 1931 again, it would give a yield of about £27 per head Europeans and about £6 for Asians. That does, I think, enable us to get some idea of the burden of taxation imposed in this Colony.

The question to my mind is this: Is that burden placing or creating a hardship on the individual and is it taking from industry too much money and preventing development? I exclude from that the excess profits tax, which will be abolished at the end of this year, and if I ask myself that question I have no doubt in my mind that that is not a heavy burden of taxation, that the taxation here cannot be classed as high. If any comparison is to be made, it should be made, in my opinion, with the United Kingdom, not anywhere else. I think that that is the only answer we can expect when we are receiving a subsidy or grant from the Colonial Development and Welfare Fund, and I think that if we talk of high or low taxation we should see that our standard of living here in relation to taxation is truly comparable with the standard in the United Kingdom, after taking into account the different climatic or other conditions prevailing in this Colony. I would add one further word to assist hon. members to consider that position, by pointing out to them that the yield from customs and excise in the United Kingdom for 1944-45 was about £1,075,000,000, and if you split that up between a population of some 40 millions you will find that the indirect taxation in the United Kingdom must be in the region of £25 per head, so that I think I have made that position somewhat clear. I do not suggest that the figures I have given are exact, but I do think and believe that hon. members

[Mr. Mundy] would wish to have them so that this position should be made a little clearer than it has been in the years I have been in this Colony.

One final word on the revenue position as I see it for the next few years. I have pointed out, or put, the annual income tax yield at a million and a quarter pounds on the present national income. We took the precaution, and I think a very wise one, of placing the excess profits tax in a separate fund so that when that tax is removed we automatically give a boost to the income tax revenue which should be maintained in the next year or two but, further, as the inflated war profits start to fall away, the fact that the excess profits tax is no longer collected will tend to let down the revenue rather gently. We have first to lose our war profits. When we have lost them, we then want to see or get some indication of what the annual yield of income tax will be. I have said that I think my figures are reasonably accurate, that at present rates of tax based on the 1936 profits we should get a yield of about £400,000. You, sir, have informed Council generally on the prices of primary products in post-war years. If you bear that in mind, the prices in 1936 and the prices there are to-day, and the prospect that they will remain at a reasonable level in years to come; if you add to that the expenditure on development, which will not be a small figure, I think it would be a sound thing to say that our national income might be taken to be double that of 1936. That is to say, our income tax yield ought not to fall at present rates below £800,000. That is the picture which I think we can regard as fairly reliable. If the expenditure is necessary, though this is not my sphere, if expenditure is necessary there is the picture that is not high—would yield £800,000, and if expenditure is necessary for the development of the Colony, and I firmly believe it is, I see no reason why anyone cannot bear that burden. I think it can be borne, and I think willingly; if it means as it must mean the future prosperity of this Colony. That is the picture as I see it, and I cannot help comparing that picture with the view put from the other side of Council, which was that a phantom cow was being milked by an unques-

tionably phoney Acting Financial Secretary and so wrecking the finances of the Colony.

I beg to support the motion.

MR. FOSTER SURTON: Sir, I propose to confine my remarks to answering questions which have been put regarding certain departments which come under my wing, by hon. members on the other side of Council.

If I may dispose briefly of one of two minor points that were made, I should like first of all to refer to the question which the hon. Member for Trans Nzoia says has arisen in the minds of a number of settlers in this Colony regarding the period when certain leases described as terminating at the end of the present war really do terminate. He referred to legislation which has recently been enacted in the United Kingdom, which sets out the date of termination. It is impossible for me to express a definite opinion on the question he asked; it entirely depends on the wording of each individual lease. The date fixed in the United Kingdom was done by reference to the Validation of Wartime Leases Act, which we have not got here, and that fixed the date of the termination of the war in Europe some time I think in August, and later they fixed a date for the termination of the war with Japan. The date that will apply in Kenya will be the date that is declared by you, sir, presumably acting on instructions from His Majesty's Government in the United Kingdom as being the official date on which the war has terminated. That will be done by a proclamation which will be published in the Gazette. I am not in a position at the moment to say when it is likely to be done; but I think I may go as far as this and say I think it is likely to occur in the near future. I am afraid I cannot help those people who are worried about this matter more than that, but if any member refers any particular case I will do my best to assist.

A point was made by the hon. Member for Mombasa, who raised it last year, and we did take steps, in connection with military vehicles, the matter was referred to the military authorities, and I thought we would be satisfied with the results. He complained last year about the driving of military vehicles, and the matter was taken up. I entirely agree with what he said in this Council, that the driving

[Mr. Foster Sutton]

is not good. I myself witnessed some of the most appalling driving quite recently. On the question of numbering, I was not aware of the fact that there was a general routine order laying down how vehicles should be numbered and the size, when the matter was discussed in Council last year. It is a fact that such an order exists, and it is also a fact that it is not enforced to. I think that is a matter I can again take up and attempt to have rectified.

The hon. Member for Mombasa also raised a point which has been agitating a number of people, particularly the Nairobi Chamber of Commerce, during the last few weeks, and that was the question of the non-native labour census. It was not really my affair. The matter was referred to me, on one particular point, and I thought it would save time if I took the matter up with the President of the Chamber. That I did, and have been able to come to terms that largely satisfy, I think, the trading community. I do not think I need go into details now, but I hope a notice will be published in the Press on Monday. I am having a conference to-morrow to settle the details, and all the points made which are reasonable ones will be met.

The hon. member Archdeacon Beecher made certain references to the activities of the Labour Advisory Board, and during the course of his remarks he stated that that board had not met since February of this year. That is perfectly true. One reason why it did not meet before the middle of the year was this, that there was absolutely no business of any importance for it to deal with. It was the Government's idea, and I think it is the right one, that that board should be a board that should only be asked to consider questions of high policy. I think it would be a great mistake to clutter up the board's activities with a tremendous amount of detail. Since that date, owing chiefly to representations made by members of the general public, Chambers of Commerce, and other bodies, the Government has had under consideration the question of the reconstitution of the board. That necessitated the appointment of a committee to go into detail. That committee has since reported, and steps are now being taken and have been taken to re-form the

board on a wider basis. It was hoped that the board would hold a meeting this month, but it was impossible because certain members could not attend, but there will be a meeting on the 20th December next. That is the earliest date we were able to fix.

The hon. member also stated that he could see no sign of any action having been taken on the various recommendations, and they were numerous, which were made by the board at its last meeting. I am not going to weary Council by going into all the steps which have been taken, but I have a memorandum here which I will make available to my hon. friend, which sets out the action that has been taken, and I can assure him that the Labour Commissioner has taken all the action that he possibly could on the recommendations of the board. There are certain matters that are going to be referred to the board at its next meeting, and memoranda have actually been prepared and will be submitted for consideration.

The hon. member Mr. Mathu and his colleague also raised the question of the native registration certificate, the *kipande*. We know that so far as the sophisticated native is concerned they do resent the *kipande*. The matter is up for consideration by the Labour Advisory Board at its next meeting. A very useful memorandum has been prepared by the Labour Department, and I propose to submit that to the board because a great deal of thought should be directed to the question before any suggestion is put forward that the system should be abolished. It is the only evidence of a contrast between the native and his employer, and I can assure hon. members that were it not for the *kipande* natives would very seriously suffer. Thousands and thousands of shillings are collected by the Labour Department annually for the natives on the strength of the *kipande*. The "red book" or domestic servants registration book. I agree that possibly it does infringe the International Convention referred to by my hon. friends. The hon. member Archdeacon Beecher will remember that we discussed the matter with Major Orde Brown when he was here, and I think some steps should be taken to put that matter right. I think it should be put on a voluntary basis and not a compulsory basis.

[Mr. Foster Sutton]

Two cases of workmen's compensation were referred to. One which sounded horrifying was the case of a man employed on Sh. 12 a month by the Public Works Department with a 33 1-3rd per cent disability and who received Sh. 320 compensation. That was based on the provisions of the model ordinance which, I might say, have been followed ever since the last meeting of the Labour Advisory Board, and also the minimum amount of compensation for total disability has been followed, that is to say Sh. 1,000. They are working on that basis, and have been since February. The first case, very briefly, I should like to explain, is as follows. The question of the 33 1-3rd per cent disability was debated and not accepted. There were two views as to the extent of the disability, and the view of the Labour Commissioner is that the person concerned was adequately compensated for any disability that he suffered. It is not admitted that the disability was as great as was alleged. As regards the other case it does seem, I admit, very odd. The person concerned suffered an 80 per cent disability, and it was stated here that he received Sh. 367 compensation. The fact is that he received Sh. 567, but even that admittedly does not seem adequate. We shall go into the case and it may be possible to review it.

I do not think I need deal with any other matters raised in connexion with the Labour Advisory Board. If there are any questions I have omitted to answer I shall be very pleased to do so at a later stage.

Transport licensing. A number of complaints were made about that board. It was urged that there should be some Arab representation, and the hon. Indian members urged that another Indian should be appointed to the board. I am told by the chairman of that body that it is extremely difficult, as hon. members may know. They have to travel all over the country, and it is not always easy to get a quorum. In the light of experience, Government has decided to make it possible to appoint two temporary members, so to speak, of the board, and a bill, has already been published and tabled in this Council and I hope that it will be enacted into law before the end of this year, enabling two extra per-

sons to be appointed to the board for any particular meeting or meetings. That will enable, when meetings are held in the Coast area, an Arab representative to be appointed, and in other areas other persons to be appointed who know something about the districts in which the board happens to be sitting. I think, to some extent anyway, that will meet certain objections which have been made. Anyway, I hope it will.

I do not propose to deal with the allegations of unfair treatment. As is usually the case, you hear these allegations made and no particular instances are ever cited. It is so easy to make a general allegation that one particular section of the community is unfairly treated, but if only the people who make such accusations would come forward and give examples one would be able to deal with them. But until that is done I do not think it fair to deal with such vague and general accusations.

I have been urged ever since I came to the Colony to give a definition of resident (I am passing on to immigration now). I have steadfastly refused to do so because I thought that if I did—Tanganyika gave one which, with the greatest respect to the person responsible for it, I thought was absurd (laughter)—it would be bound to work hardship. I gave it as my opinion that less hardship would be created if each individual case was examined on its merits. I did the immigration of Asians for a year and dealt eventually with every single application myself, and I think the hon. Indian members will agree that, although you cannot satisfy people, in every case, in the main I do not think any injustice was done. Had one laid down flat-footed definitions for somebody else to follow, you would have found considerable hardship created. I think it was stated by the hon. Deputy Chief Secretary yesterday that arrangements had been made which may lead to a little more satisfaction about the working of those regulations. I do not wish to appear pig headed about it, but I have no intention of laying down any definition of resident, because I do not think in the result it is going to achieve the object desired.

Contributory Pensions Bill. The hon. Member for Nairobi South asked the reasons for the delay in the enactment

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of that legislation. All I can say is that the bill was submitted by me to Government on the 25th August, 1944, and it was then put into the channel which is usually referred to on this side of Council as "active consideration" (laughter). It then found its rather warty way to the Secretary of State on the 19th April, 1945. But in fairness I must say that during that period a great deal was done on the bill. It was submitted to the European Civil Service Advisory Board, it was considered by them, and afterwards it was submitted to the Governor in Council, and a number of amendments were made to the original draft. There has been—it is no good baulking the issue—delay, but I should like to say this, that that delay has not injured anybody, because for a long time past, as hon. members know, action has been taken as if the bill had been enacted into law, and contributory pensions have been paid, so no individual has suffered' by any delay. The bill has since been returned by the Secretary of State. The despatch is dated the 10th October, 1945. The Secretary of State has made certain minor suggestions regarding amendments to the bill, and has raised other questions. As soon as they have been decided the bill will be introduced into this Council and, I hope, enacted into law early next year.

Certain remarks were made about the administration of justice. I find myself in a very difficult position to deal with them, because the sort of remark you have is this. The hon. Member for the Coast, who is usually so clear, said: "There is a suspicion things are not right; we are not always getting the right type of man as magistrates," and the hon. member Mr. Shamsud-Deen made the sort of a statement which, if he will pardon me, is so characteristic of him. He said: "Something is very wrong with the Judicial Department." I will draw His Honour the Chief Justice's attention to the comments that have been made, but I am afraid they will not be very helpful to him because he will not really know what the remarks were directed at. As hon. members know, we have had considerable difficulty in finding magistrates, and there have been a number of temporary appointments made—a lot of them not professional men who have been doing an excellent job of

work. A lot of them do not want to do it; they merely came forward and helped as their contribution to the war effort.

Ma. Cooke: On a point of explanation, I was not referring to temporary magistrates. It is rather difficult to make myself clear about this particular point, but I shall see the Chief Justice and explain exactly what I mean, if I may.

Ma. Foster Sutton: There is no harm in that at all. I hope he will (laughter). I would much rather he did it than I.

The hon. Member for Kiambu was kind enough to make reference to my department. I have been doing what was urged by the hon. Member for Nyanza yesterday: I have been going slowly, because it is so easy to make appointments to the permanent staff and very difficult to get rid of them once they are there. I have deliberately gone slowly, because I feel it is absolutely essential to make a proper survey of the position before putting forward any proposals which will mean permanent recurrent expenditure. I will give you a short example—I am afraid I am taking longer than I thought—I will give you a short example of one instance. For a long time past I have been urged from a number of quarters to appoint a crown counsel for the Coast districts to be stationed at Mombasa. I took the trouble to go down because I felt that I should investigate it. I went down there and I interviewed everybody who knows—at least I hoped so—what he was talking about. (laughter). I worked it out and I found that, on a generous basis, to appoint somebody down there now would mean that he would only be occupied for seven months of the year. By that I do not mean seven months one after the other, but the number of working days only worked out to seven months in the year. Obviously, it would be a waste of public money to put an officer down there under those circumstances, and I intended, as soon as the Commissioner of Police could make an officer available (one of his own officers) to ask him to post a suitable officer down there, and to train him, through the medium of one of my own officers, to do that work. But since then suggestions have been made which I think will meet the position and relieve the district administration. I proposed as soon as pos-

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sible to post a crown counsel down there, and he will, I hope, be able to take over all the civil cases; he will try all the civil cases at present done by one of the officers of the Administration. That will relieve pressure there, and I am told by my hon. friend the Acting Provincial Commissioner for the Coast that it will enable them to dispense with a district officer in Mombasa and enable him to be put where his services are more urgently needed. That will occupy an officer's time fully throughout the year.

I know people get impatient about it, but if we are going to make any changes and add to the permanent expenditure of the Colony I do want to be absolutely satisfied that one is not letting the Colony in for expenditure which is not fully justified. We do need additional staff. I recently had a letter from the legal adviser at the Colonial Office—a most helpful communication—and I think that the staff which we so urgently need will be available probably by the middle of next year or the end of next year, but one has to remember the difficulties they are up against. They have to re-staff Malaya and Hong Kong, and the whole of the rest of the Colonial Empire is hopelessly deficient in staff, and we must take our turn. We are probably better off than many others. When you, sir, were in England you were asked by the Secretary of State whether you were prepared, in view of the shortage of men, to accept ladies for local appointment in Kenya, and you told the Secretary of State that you were. I am glad to be able to say that one has already been appointed. She is a person with very high academic qualifications and also a considerable amount of practical experience, and I hope that the experiment will be successful.

Dealing with the Police Department, I was asked certain questions by the hon. Member for Nairobi South, and I propose to answer them. It may not be very agreeable, but I am going to tell him briefly exactly what is taking place. People have said that crime is alarmingly on the increase. I cannot help feeling, if I may say so, with great respect, that there is a good deal of hysteria about this matter. It is true that crime has increased, and I will give you the figures for 1939 and 1940; the figures

are only for the settled areas. In 1939 under the Criminal Code there were 6,000 odd cases, in 1940 5,900 odd, in 1941 6,000 odd, in 1942 7,500 odd; by 1943 it was 9,801 and in 1944 10,369. This year up to date it works out at something like 10,500. So it would be absurd not to agree with the allegation that has been made that crime is on the increase, but it is very interesting to note that there has been a steady increase during the war period (I know the hon. Member for Nairobi North said that we should be told that), but it is a fact that crime has increased throughout the world among all the warring countries, and it was the experience after the last war, in unsettled conditions you do get an increase in crime. I should like to say now that we entirely agree with the contentions that have been made by several hon. members on the other side. The hon. Members for Kiambu, Nairobi North, and one or two other hon. members thought that there should be a proper proportion of European officers in the police to natives. I think at this stage of development, it is absolutely essential. I can assure hon. members, although the figures do not matter (it was suggested they should be 20 to one, or one to 20), the Commissioner of Police has been aiming at roughly 23 or 24 to one, and I think that that is probably somewhere near the mark.

I should also like to say that it is the considered opinion of experienced officers of the police that if a more educated type of African was available for enlistment into the force it would be possible to reduce the strength of the force by one-third. That is a tribute, I think, to education. They feel that if they were able to get a more educated African it would effect a considerable saving to the public purse. To maintain it might be possible, and it ought to be possible, to considerably improve the conditions of service of the police. You will not get a very much higher standard unless the conditions of service are satisfactory. During the war the force has been increased by well over 600 constables. The reasons for that increase I need not go into; they are fairly obvious. In 1930 (these figures were referred to by the hon. Member for Nairobi North) there were 101 European inspectors, all in the settled areas. In 1945 there are 98 European inspectors only in the force,

[Mr. Foster Sutton] and of those I think 15 are in areas other than the settled area. In other words, there are 82 or 83 available as against 101 in 1930. I only mention those figures to show you that the Commissioner of Police is up against a very difficult job. His personnel in the lower ranks have been considerably increased, and at the same time he has found it impossible to get anything like sufficient European personnel. They are being recruited and every effort has been made to recruit them, but it is going to take some time to get anything like his proper establishment. In 1945 there were 28 vacancies and on the 1946 establishment there are 15 more. That makes a total of 43, and there are 22 who wish to retire. (MRs. WATKINS: Yes, that is the point.)

I do not think that all of them will, but a large number do wish to retire. As was said by the hon. Deputy Chief Secretary, the Government is appointing the committee asked for, and that committee will go into the terms of service.

I cannot help referring to a point, because I do feel it was going a little too far. If hon. members will pardon me I will not refer to individual members, but statements were made that African constables took no notice of three-card tricksters or gambling dens because they were bribed not to do so. We know, as well as hon. members on the other side, that there is bribery going on. The police authorities have for years been watching the situation, and whenever any case comes to notice it is dealt with most severely. There have been a number of convictions of members of the force for the practices referred to in this Council. But in fairness to the great bulk of the men, I would say this, as the other side of the picture, that there have also been a very large number of cases reported by members of the force where members of the public have attempted to bribe them and convictions have been obtained, so that there are two sides to the question. It is fair to say that in the main they are a very decent body of men. (Hear, hear.) They have a very difficult job. (MR. VASSEY: My remarks referred to the African constabulary only.) I realize that. I did not wish to refer to one particular class. I fully appreciate that, but I thought it invidious to pick out any particular class. I think that, on the whole, they are a

very decent body of men. A good deal was said here about lawlessness. I do not think in fairness that it can all be attributed to the African. I would not regard—and this is not going to be a very popular statement which I propose to make—I would not regard, generally speaking, the public here as law-abiding as the public in the United Kingdom over a lot of small matters. I would ask hon. members, when they leave Council to-day, to go outside and have a look at the parking of motor vehicles outside this chamber. I wonder how many people stop at a "Stop" sign on the road? I have seen literally hundreds who pay not the slightest attention. I think before we go into any wide statements which appear to be statements of fact, we might look a little nearer home and set, in the small things, a better example. (Hear, hear.)

The hon. Member for Nairobi North complained about lack of continuity. There has been a lack of continuity. I have discussed it with the Commissioner of Police, and he assures me that his policy is to get continuity, certainly in the cities. The recent change, as the hon. member probably knows, was only made owing to the fact that the then superintendent, who had done a long tour here, six or seven years, went on leave. But the Commissioner of Police is going to try and get continuity, and we entirely agree with the remarks made by the hon. member. It is necessary that the force serving in any particular district should know that district. I meant to mention it earlier. I think—and my view is shared by most persons associated with me on this matter of law and order—that a good deal of the crime is due to drink. I think that certainly 50 per cent to 60 per cent of the crimes of violence can be attributed to drink, and I feel that if we can tackle that problem, and seriously, gradually crimes of violence will disappear. That will reduce the crime figures considerably.

I agree with the hon. member Mr. Mathu that we should make available to the native properly made alcohol and make it available in properly licensed premises. I do thank the Nairobi Municipality for the active interest they are taking in the matter, and assure them that if it is possible for me to help in any way I shall certainly do so. They

[Mr. Foster Sutton] are taking a live and intelligent interest in the matter. I think we have practically cleared up the Kibera area, but a great deal is still being sold. Last week, since Monday, five deaths have occurred of natives, due to drinking industrial alcohol, and the sixth one they think will die, if he is not dead already. They lace it with carbide, a most unpleasant mixture. I think, and petrol; in the cases I have just referred to it was laced with ether. We are tackling that, and hope it will reduce crimes of violence. The other crimes, of course, will not affect.

The hon. member Mr. Shamuud-Deen made a statement which rather surprised me. He said that most of the police are employed on traffic duties. I do not know what he has been doing before he saw all those policemen (laughter), but I can assure him that in Nairobi out of 400 constables only 20 are employed on traffic duties. 20 out of 400, and there is one European inspector employed. He is also completely in charge of driving tests. That is not a very large proportion. I should have thought some form of traffic control was essential in this city. That is where I think a little good example can be set by helping policemen in the control of traffic.

The hon. Member for Nairobi North asked me if I or the Commissioner of Police was satisfied with paragraph 135 of the Draft Estimates. The answer to that is in the negative. But let me preface my remarks by saying this. It is all very well, I do not quite know what the hon. Acting Financial Secretary will do, but all through this debate we have heard from various members—not all, but a number—about the increase in expenditure. On the other hand, the hon. Acting Financial Secretary has been told that he must not touch the educational vote and he must not touch the police vote, but double it. I really do not know, but if I may say so it rather looks to me to be a case with the hon. members on the other side of "Heads I win, tails you lose" as far as he is concerned. It is a difficult position. The police estimate—I will not go into details—submitted by the Commissioner of Police and finally approved do not represent his considered opinion, and the reason for that is entirely finance. I would say this, however, that if you want an efficient Police Force you will have to pay for

it, and it would not be any use, if the full recommendations of the Commissioner of Police were implemented, of complaining about the additional expense. I know that several hon. Indian members raised the question about the Asian housing in the police. We entirely agree that there is a good deal of room for improvement and wherever possible steps will be taken to effect improvement. I should like to say this: I was disappointed to see the amount for the single European officers' quarters in Nairobi cut out. I addressed a communication to the hon. Acting Financial Secretary, and it has been agreed that I shall be allowed to appear before the Standing Finance Committee to argue the point once again. It may sound like a piece of propaganda, but I should like those hon. members of Council who do not know the conditions under which these officers are living to go and have a look at the present quarters. A more disgraceful state of affairs I have never seen, and I am going to invite members of the Standing Finance Committee to come with me and have a look at them.

Finally, I do hope that it is going to be possible, sooner than later, to start on the main police headquarters in Nairobi. I was astonished—that the move in Kenya—to learn that the foundation stone for the new police headquarters was laid 25 years ago by the then Governor of the Colony. (Laughter.) I think they built the first floor, and afterwards sold it as a petrol station. (Laughter.) I do hope the new foundation stone will be laid in the near future. Police headquarters are situated three miles from the centre of Nairobi and various branches are scattered all over the town; it is difficult for the Commissioner to run the department efficiently unless all branches of it are concentrated as near as possible under one roof.

I beg to support.

MEMBER FOR AGRICULTURE (Major Cavendish-Bentley): Your Excellency, I have a large number of points to answer, and I had intended before dealing with these specific points to say something about the general framework of the budget itself, more especially from the point of view of expenditure. In view of the debate which took place yesterday afternoon and of the remarks made



[Major Cavendish-Bentick] by the hon. Commissioner of Inland Revenue this morning, I have very little to say on that subject now, except this: that we must all remember—and nobody can agree more with the elected members opposite than I do about unnecessary recurrent expenditure—we must all remember that, if we are going to save the soil, if we are going to do a number of things that are very sadly overdue, it is going to cost money, and whether it comes under capital account of D.A.R.A. or revenue is immaterial. It is going to cost money, and it is no good blinking at that unfortunate fact.

I will deal with the various points raised as far as possible in the order in which they came up.

The first point I would like to deal with is the question on locusts, which has been raised by various members, and was raised by the hon. Acting Financial Secretary when he introduced the budget and by the hon. Member for Rift Valley. He asked, as far as I remember, what is the position about locusts, is it necessary to spend all this money, and would it not be wiser to keep such moneys earmarked for locust destruction as a sort of insurance fund for meeting the costs of deprecations when they occurred. I do not think the ordinary man in the street realizes at all that during the past few years, we have been extremely lucky, because those years have been years of very high locust infestations, some of the worst we have known, and I think full tribute should be paid to the hon. Director of Agriculture and to the miller who assisted him for the results, which are really very remarkable, in the campaigns they undertook. (Hear, hear.) Under normal circumstances, when the importation of foodstuffs can be done at reasonable cost, it might be, speaking purely parochially, cheaper to keep such moneys as we have as a sort of insurance fund. But times are not normal—I will deal with the parochial aspect in a minute—there is a world shortage of food, a very bad one, shortage of shipping, and, quite apart from import food. Therefore it is our duty to try and preserve our food supplies. The last outbreak of locusts lasted some seven years, and if this continued as long it should end in 1947; at the present

time there is no reason to suppose it will end before the end of that year, and a large-scale campaign is still going on in many mid-eastern countries. It is going on in Trans-Jordan, Arabia, Ethiopia, Somalia and, in fact, in all the surrounding countries under the direction of Dr. Uvaroff, so that it would be quite impossible for us not to play our part in that comprehensive campaign. We are now, unfortunately, unable to rely on the assistance we have had from the military in the past and have got to form an organization of our own, and that is being done. As hon. members know, all three territories contribute in a varying degree to the cost. I will only add one thing about locusts, one very disquieting symptom; that is, that a certain number of migratory locusts have also appeared. I believe they are being dealt with, but it is not a very happy symptom. That, I think, is all I will say about locusts.

A point that was raised by the hon. Acting Financial Secretary and also by the hon. Member for Rift Valley and various other members cursorily, was the agricultural machinery pool, and it was suggested that this pool should be wound up as it was very expensive. On that question I would explain that, during the past few years, without the agricultural machinery pool it would have been quite impossible to have harvested our crops. The amount of machinery that came into the country was insufficient, and we had to make the maximum use of such machinery as did come in by keeping it in working order and moving it around. That machinery pool has not paid for itself, I will admit. The reason why it has not paid for itself is that it has had to perform a task which cannot be performed under ordinary commercial practice. Machinery pools run in other parts of the world very often have difficulty in making themselves pay. Yet, under normal conditions, if they only operate in a limited area these can choose their clients, and in most cases there is an understanding that the man who hires the machinery is responsible for passing it on to the next man who is going to utilize it. Furthermore, the system of charging in England is on a time basis, so that a farmer bears the risk of the vagaries of the weather. Conditions in this country were entirely different under the war

[Major Cavendish-Bentick] circumstances. We have had to harvest very small isolated acreages, which has been very expensive; we have not found it possible to charge farmers on a time basis and therefore the overheads have been considerable. It is not practicable to terminate the machinery pool now and, indeed, the hon. member who suggested that told me afterwards that he had not meant it should be terminated this year. We are doing our best to make charges meet costs; I will not undertake that we shall succeed.

We may do it, and as soon as it is practicable the machinery pool will come to an end because I think quite apart from anything else, it is a bad system to run things that are not economically justified under normal circumstances.

The hon. Acting Financial Secretary also mentioned in his opening remarks the Commodity Distribution Boards and the abolition of individual rationing in regard to cereal products and butter. I must say something about that, and it will be this: Do not let us imagine that these Controls are being kept on for the fun of running Controls. I have had quite enough of Controls to last me a lifetime, and I think most elected members opposite feel the same way about it. But the cereal position in East Africa is that we have under-estimated consumption, or we have not realized the extent to which consumption is going up, and the true fact is that consumption has increased beyond production, and it seems that today, if weather conditions are favourable throughout the East African territories and they never are—we can only just grow enough to satisfy the needs of our populations. Therefore we are skating on thin ice as regards food and will be for some time to come, and I think some form of control will be necessary for quite a long time. If, as the hon. member said, it is found that under this new system, this simplified system of rationing, consumption goes up, there will be no alternative but to tighten up rationing again.

Lastly, as regards the remarks of the hon. Acting Financial Secretary concerning the £25,000 for reconditioning measures in Machakos, also referred to in the memorandum, page xxxi, I must stress, as I have now some responsibility in the matter, that that is a purely token

figure and that expenditure under this head is very much interlocked with expenditure that will have to take place on African settlement outside the reserves.

Dealing with the hon. Member for Nairobi South, who raised one or two points which I will deal with later in referring to other members' remarks on Olengeurua and live stock marketing, he spoke about the four assistant directors of agriculture which appear on page 37 under the head "Administration." I will join with him that I hold quite strongly that these officers should remain under the Director of Agriculture and not appear under this head. I know the idea, but I think it is a mistake, and the idea can quite well be carried out by their remaining where they belong under the Director of Agriculture. The hon. member also referred to the Forest Department, and actually during the course of the debate very little has been said about forests, apart from what was said about the export of timber (which I will refer to later), and little said about forest policy, but the hon. Member for Nairobi South did say that forests should be developed, and he and elected members will see from the estimates that very serious steps are being taken to develop and make up any shortcoming there may be in our forest policy. I would say here that I think it most important that we should take more precise steps than we have taken in the past to safeguard our forest estates, and to demarcate them legally, which we can do under the ordinance. Therefore I have suggested to Government, and Government have accepted the suggestion, that a commission should be appointed to review by degrees our forest boundaries and to have them demarcated for all time, which means that in future no alteration can be made and no excisions can be made without reference to this Council.

Before I depart from that subject, I should like to say that we must, with the agreement of the provincial commissioners and the Native Lands Trust Board, take steps which are very overdue to safeguard the remaining forests due to certain native reserves. (Hear, hear.) I am pleased to be able to add that, from what I have heard, in many cases we shall have the full support of the local native councils in doing this.

[Major Cavendish-Bentinck]

Now I will come to some remarks made by the hon. Member Mr. Thakore. He started by claiming that nothing had been done in regard to Indian land settlement since last year, and he was supported at a later stage by the hon. member Mr. Pritam. I do not think that is quite a correct statement of fact, I think a good deal has been done since last year as can be borne out by reference to the Sessional Paper which was laid yesterday morning. Government is anxious to help the Indian community in any scheme they may wish to put forward in regard to settlement, and I myself, even before I came to this side of Council, have always expressed quite genuinely to the Indian community that in any reasonable scheme if I could be of any assistance I should be very glad to render such assistance. We are about to appoint an Indian Settlement Board, the terms of reference of which appeared in that Sessional Paper. I understand that the hon. member Mr. Patel has undertaken himself the chairmanship of this board. (Hear, hear.) It is not possible for Government or for the organization of which I am in charge to provide a whole-time soil chemist or, at this stage, a whole-time settlement officer, but if the Indian Settlement Board find land and, when it finds land, wants any investigations carried out, I will see to it that these are carried out expeditiously, just the same as would be done for European or native settlement.

Passing from that, I should like to say this, that it does not help me or Government rightfully when we appoint a committee to advise the new member on these settlement matters—in which we hoped we would have Indian collaboration—when Indian members refuse to collaborate.

The hon. member also said, with reference to timber, that timber was no longer required by the military and he wanted, I think, some explanation about the timber position in regard to Building Control and also in regard to trade generally. The hon. member Mr. Pritam also asked about certain deliveries from Indian mills for military contracts and so on. The position as regards timber is this: that up to the end of this year we have outstanding contracts with the military. It is difficult sometimes to keep

pace with military demands, because during the course of this war on several occasions I have had high-ranking officers coming to try and get out of their contracts, and usually within 48 hours I have had telegrams from the Mid-East or India or elsewhere demanding double the supply. But the fact remains we have had firm contracts for sleepers and sawn timber up to the end of this year, and I had very much hoped that that would be the termination of military demands. But we have had very urgent representations for further supplies of timber, anyway for the first portion of next year, and these demands have been given a very high priority on the explanation that the situation in Palestine and the Mid-East was far from happy, with a lot of military activity taking place there and the task of keeping strategic railways running and so on. I was not quite satisfied with that, and I thought possibly that the military authorities were placing these orders here because our prices were perhaps cheaper than most others. Therefore when you sir, went to London, we got Sir Charles Lockhart to go to the highest possible authority, the War Office, to see what the position really was, and there is no doubt that we shall have to do our best to help out, anyway up till July next year. I may be explaining this rather fully, but I know that this question has been raised in many quarters. Therefore there will not be any plethora of timber available, certainly not for export, until we have carried out our responsibilities as regards these military demands.

The hon. member Mr. Pritam raised a point about deliveries by the 31st December. What I have to say about that is that these military contracts were placed with the mills on the normal conditions of any other contract: deliveries had to be effected by a certain date and the commodity had to be up to a certain specification. It is true that the Railway had some difficulty in moving the timber, though no particular fault of their own, but that is a normal risk and, in fact, the Railway have made extraordinary efforts to move this timber by due date. I should never have thought they would succeed in making (Applause.) In any event, if the timber had been left in the hands of the mills and had we not had a further military

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order, it would have moved in due course. We would have seen to it that I do not think anybody would have been adversely affected. As it is, these contracts continue to carry on next month.

The hon. member Mr. Thakore also mentioned these disgraceful subsidies to European agriculture, and he was backed at a later stage by the hon. member Mr. Pritam. Of course they mentioned breaking grants, Stock Feed Control, Fertilizer Control and the Machinery Pool, and they stated that Government should not run these and that they should be handed back to commerce. All I can say is that the result of this policy, which incidentally is in no way peculiar to East Africa, is that on the whole we have provided food cheaper here than in any other part of the world, and that despite the fact that we are alleged to be disgraceful amateurs. You might perhaps compare the prices of food here with the prices of food in India itself. For instance, maize meal in Nairobi wholesale is 8 cents per pound, compared with 26½ cents, or 7 rupees to the maund, in India. Retail it is 37½ cents a pound in India and 10 cents here. The same argument applies in regard to rice, but I am afraid there is a great shortage of rice at the moment. That state of affairs does not only apply to India; it applies very much to Egypt, the Mid-East and to South Africa.

Breaking grants, or something similar to breaking grants, have been given in almost every country that has been able to produce food during this war. As regards Stock Feed Control, Fertilizer Control and the Machinery Pool—I have dealt with the Machinery Pool, but as regards the first two Controls, the same Controls are being continued in England for an indefinite period, according to an announcement made only a few days ago. Much as I should like to hand them over to commercial people, it is quite impossible to do so to-day, and in answer to a point that was raised about prices, I may say that just before I came into Council this morning I had a telegram from the Union of South Africa, through Government sources, asking whether I could release any stock feed and offering exactly three times the price free on board Mombasa that the farmers are paying here to-day. I do say

this, and I give this undertaking, that as soon as it is possible to release these things with safety, as far as I am concerned all Controls will go.

The hon. member Mr. Pritam also said we might be able to export wheat at Sh. 27/50, but what about maize; and he thought our maize prices were high. I have dealt with that already, but I should like to say this, that (the one thing that we cannot (I am astonished at the expert making such a mistake!) export at the price, or anything like the price we pay here, is wheat, because our price is very high indeed; whereas the price of maize in this country as compared with other countries is pretty low.

Council adjourned for the usual interval.

Council resumed.

MAJOR CAVENDISH-BENTINCK.—YOUR Excellency, I was just about to start on a new section of my remarks, but during the interval the hon. member Mr. Pritam asked me to make one further point clear about timber supplies. Apparently I did not explain the position entirely. As regards any timber which had been cut by his friend which had not been delivered by the 31st December, under existing arrangements that, I think, will be accepted after the 31st December in fact I know it will, probably on the terms of the existing contract. I am hoping that the new contract will be at a higher price, but it is only fair that it should be because during the whole of this war, although we had increased our turnover and output enormously, we have in the interests of the war effort very strictly controlled prices. In some cases there has been no rise of price at all. Now there are export markets at our disposal at much better prices; and if it is our duty to supply the military forces it is only fair on the production that they should at any rate produce this timber for the military at what would be fair competitive commercial prices.

Now I will turn to the remarks made by the hon. member Mr. Mathias. As will be seen from the White Paper which was laid yesterday, some share, and indeed large, of the very gigantic task of trying to better conditions of the land in the native reserves is going to fall upon my shoulders. I accept that responsibility with resignation and at the same

[Major Cavendish-Bentick] time with some enthusiasm, because I feel that for too long has this problem been regarded as the responsibility of a watertight compartment. It is a problem which concerns the country as a whole, and should be shouldered by the country as a whole, and I should like to say that I believe quite genuinely that practically every member of the European community, and possibly I hope also the Asian community, feel that they would like to make a contribution to assist in a solution of this very vital problem. I am immensely heartened by the attitude which has been shown both by the hon. member Mr. Mathu himself and by his colleague the hon. member Archdeacon Beecher in regard to these difficulties. (Hear, hear.) The hon. member Mr. Mathu expressed some anxiety about the security of the land and, as has already been explained, if he is referring to the security of native lands I think that the security is absolute, and as far as I am concerned nobody would fight harder for that security than would my late colleagues on the other side of Council. (Hear, hear.) When it comes to questions of individual tenure and fragmentation we are treading, of course, on more difficult ground, and I do not propose to discuss this very complicated subject at this stage. But I should like to say this, that in the progress that has so far been made in endeavouring to deal with this tremendous task by the appointment of a Native Settlement Board, insofar as I am concerned I will do my level best to see that no foolish steps are taken owing to our not regarding fully and taking into account conditions and native customs and native law. For that reason on this new Native Settlement Board we have included such persons as Dr. Phillips, Mr. Humphries, Mr. Lambert and, I hope, several native representatives, in order that the measures we propose to take and which will have to be taken will not be taken before we have taken into the fullest possible consideration local conditions from the native point of view.

The hon. members Mr. Mathu and Mr. Vincent referred to the Live Stock Marketing Board, or Live stock marketing and live stock control, and I suppose it would be convenient to slur over this problem, but I do not intend to do

so. The hon. member Mr. Mathu referred to what could be described as the religious attitude of the native to his stock, and he advocates that by education, propaganda and so on we must instil (an economic outlook to take the place of the present, call it religious, call it social, call it what you will, outlook of the native to his stock. I cannot agree more, and I was very, very pleased indeed to hear him make that statement. Of course, we must remember that this evolution cannot be allowed to take an infinity of time because both in matters of agricultural practice, and this question of the native attitude towards livestock, if we do not do something positive within a reasonable period of time it will be too late. I do hope that we shall have, and I am confident that we will, every possible assistance from the hon. members who represent native interests here and from their friends in our effort to try and convince the African population that my African Settlement Board and the activities which we have got to pursue, in the terms of the White Paper laid on the table yesterday, are taken "genuinely and solely in the interests of the Africans themselves." (Applause.) We have no evil designs whatever, we are trying our very best to help what after all in many parts of the country are still primitive people. Obviously there is no question whatever of total extermination of stock, as was mentioned in this debate. We are trying to improve the quality of the stock, and we are anxious to institute a Live Stock Marketing Board in the hopes that by giving far greater opportunities to sell, but cutting down as far as possible any extraneous profits that are made by middlemen, by enabling the natives to sell their stock with a minimum of effort to themselves, to instil that economic outlook, voluntarily if possible, into the African mind, and I only hope we may prove successful. I know it will be an uphill and difficult task.

The hon. member Mr. Mathu also spoke of the settlements at Makueni, Taveta and other places and trusts that Government will go ahead with these schemes. I can give him a most positive assurance that every effort is being made to hasten investigations that are necessary as regards these areas. Within the last two months very great strides have been made in carrying out these in-

[Major Cavendish-Bentick] (Major Cavendish-Bentick) queries, and we will do everything we possibly can to hasten these schemes. Furthermore, I consider, and I know, the Administration agree with me, that when suitable areas are found a great deal more preparatory work will have to be done at Government expense before natives are settled in such areas than has been customary in the past. I do not believe we shall ever be successful in inducing native populations where necessary to move unless they see an area of land in which they themselves think they can make a living. For that reason I feel that if people are to be asked to move it should be to an area on which preparatory work has been done and in which in some cases land has been broken, water provided and so forth, and that will be our intention.

The hon. member Mr. Mathu also referred to the difficulties that have arisen over Karatina, but these I think have been dealt with by the hon. Provincial Commissioner. I would only add this, that it is disquieting to me to see the extent of the suspicion that exists in the native mind, because I can assure the hon. member that in so far as I have been connected, which is very slightly, in these negotiations, there is absolutely no sinister motive of any sort, kind or description that could possibly affect native well-being or native interests. There must be, I feel, either some lack of propaganda on our side or some perhaps rather unfortunate subversive propaganda going on on the other side, which must be responsible.

The hon. member Mr. Mathu also referred to subsidies, or some scheme to provide financial assistance for Africans so that they can recondition their land. That raises a very difficult problem, which is referred to in the White Paper laid yesterday, because in many cases the individual has not really got security to offer in what we would term legal individual ownership of his land, but that does not mean that we are not trying to find a solution of this problem. I entirely agree that some means must be found of providing the necessary finance to recondition native land. This is not purely a native problem; it is a European problem also. There are many areas in this country where there are farmers, be they native or be they

European, who are farming areas of land which they have had to mine because they had no way out of it. They had not got an economic holding and they had not got any money to be faced. Therefore I can assure the hon. member that this very important subject he has raised is being very carefully gone into.

He also mentioned the Nandi fencing scheme and asked what it was that was being applied. That has been replied to. Lastly, I should like to say this about this question generally. Do not let it be imagined for one moment that my organization which it would be my responsibility to create is going to interfere as between the natives and the Administration in regard to purely administrative problems. That would be utterly wrong, and would only give rise to justifiable suspicion. Our Job is a technical one, which is to prepare and advise the Administration as to schemes, either for betterment, that is rehabilitation of existing lands or for the creation of new settlements, and in so far as the technical side is concerned, there must be effective control and there must be continuity of responsibility, instead of leaving the matter merely to individual district commissioners who come and go. (Hear, hear.) That is the basis of my plan, of the plans which have been created, but when it comes to personal dealings with the natives themselves, that responsibility will remain, I hope—and I know it will—with the Administration, where it belongs.

The hon. member for the Coast asked about the Tana River irrigation scheme, and that was referred to also in the Sessional Paper and was answered by the hon. Director of Public Works. He also said that it was very necessary to import further stabilizing influences such as himself into this country, and I was wondering what other aspirations he was going to cast on existing residential settlers and pensioners? Speaking seriously, I quite agree with him. It is a very important aspect, and it has become more than ever obvious since the end of the war that there will be a very large number of men retiring both in these territories and in England or India or other parts of the world, who would like to become residential settlers in Kenya. I cannot

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give you an exact estimate of the number concerned so far, but I can say that we have had in the last three or four months more than 500 of what would appear to be serious residential settlement inquiries. A sub-committee of the Settlement Board has been considering what steps should be taken, and I may add that a provisional plan was drawn up nearly two years ago, but I did not think much of it. A new scheme is now being drawn up in order to ensure that the people concerned can obtain land and information of the type they need and so on. A good deal can be done by private treaty, but landowners should be required to undertake sub-division of their lands under proper control. We have had to step in quite hard in regard to these sub-divisions of agricultural land into residential plots, because you can divide and sub-divide agricultural land into residential plots with results very detrimental to the agricultural activities of the neighbourhood, and therefore that must and is going to be strictly controlled. As I said, my sub-committee has drawn up a plan and is consulting district councils on it, and a final report will be issued I hope in January.

The hon. Member for the Coast then asked the position regarding Olenge settlement and who is responsible for it. The responsibility for that at the moment rests with the Officer in Charge, Masai, and is going to be transferred by the hon. Chief Native Commissioner to the Provincial Commissioner, Nakuru. Insofar as administration of the settlement is concerned, that is a matter for the Administration, but in so far as the agricultural side of its activities are concerned that is now entering into my sphere. We have already had a request from the Chief Native Commissioner to send out a surveyor, and a party is going out to make certain examinations asked for by the Officer in Charge within the next few days. This will be done exactly on the same lines as other schemes. A plan will be approved, it will be put into operation, it will be reported on from the technical side by my people every six months to the Centre Settlement Board, but the actual handling of the population will be a matter for the Administration.

The hon. Member for the Coast then

said that only half the pyrethrum expenditure was reimbursed whereas the whole of the sisal expenditure is reimbursed, and he wants to know why. The statement is correct as regards reimbursement of the pyrethrum expenditure, but it is not really correct in regard to reimbursement of sisal expenditure. Capital and other costs of sisal research are paid half by the industry and half from the Colonial Development and Welfare Vote; moreover, the Sisal Ordinance provides that an annual grant-in-aid be paid from Government to the Sisal Board of an amount equal to the amount of the cess collected. £1,500 was granted in 1943 and 1944, and it is suggested in these Draft Estimates that this shall be raised to £2,500, so that you really cannot compare the two industries, except that in both cases Government does bear a certain responsibility for research work carried out on behalf of these industries.

Perhaps this might be an opportunity to bring in something about Government's participation in building up industries in this Colony. The hon. member Mr. Pritam very jocularly referred to the Agricultural Department as an amateur show. Sir, do you know that there is a certain amount of truth in what he says? This country has suffered—I am not talking now about the Agricultural Department because nobody can accuse the Director of Agriculture of being an amateur—this country as a whole has suffered from trying to run industries in an amateur way, and people here seem to think that world prices, world demands, and world standards should conform to what they think should suffice as our standards. (Laughter.) These illusions must cease if we are going ahead in the post-war years.

For that reason we have got to give a certain amount of Government assistance to certain industries, and I therefore welcome such expenditure as I have just been referring to on two of the most important industries in this country. I am going to propose to the Standing Finance Committee—I daresay I can find savings for it—that we should also assist the dairy industry by adopting a system of Government grading of all butter that leaves this country and of butter which is sold in this country. I am doing that at the request and with the full approval

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of the board of the Kenya Co-operative Creamery. I have had some correspondence and interviews with them on the subject of the serious falling off in the quality of the butter they produce, and they fully realize the position and are doing their level best to put their house in order. The same thing will apply to the pig industry. The dairying and pig industries are the two corner stones on which the agriculture of this country will have, to some extent, to rest, and I think it is up to Government to play its part in seeing that anything we send out on the world market does compete, and it can compete, in quality with competing countries. (Hear, hear.)

The hon. Member for the Coast also talked about soil conservation and European laxity, and I think, if I remember rightly, the hon. member Archdeacon Beecher referred to the same thing. The hon. members want to know what action has been taken against Europeans. We are, I think, possibly to an extent greater than in most countries, taking very stringent steps to deal with these matters. We have had rules passed lately which I think would have astonished people even two years ago and certainly before the war. We are trying to limit in certain cases the number of stock to the carrying capacity of the land; we are preventing people from growing white straw crops year after year not only by giving them no Government assistance whatever and no planting orders, but by drawing the attention of the Director of Agriculture to such cases so that he can issue an order under the Land and Water Preservation Ordinance. That is going to cause, as I have just said, difficulties in the European areas, because there are people that it is almost impossible to prevent from mining their land because they cannot afford to live unless they do. I maintain that we have got to face that issue; if we do not face it now it will become a much worse issue in a few years' time, and we have got to put the care of the land above the interests of the individual and, where necessary, we have got to help that individual make a living in some other way or by helping him financially. I can say definitely and can assure the hon. members who raised this question that we are doing far more as regards the European agriculturists in

this country than has yet been definitely attempted in many cases in the native areas, and it is not a question of one law for one and a second law for the other.

Now I come to the very difficult problem raised by the hon. Member for Trans Nzoia, the stability of agricultural prices. I am afraid that I am taking an inordinate amount of time, but it just cannot be helped. He said we had heard a great deal about stability of agricultural prices, but it was still only hope. The matter was also referred to by the hon. Member for Ukamba, and you yourself sir, both in the message you gave this Council some time ago and in the message you yourself conveyed last month referred to this problem. I know that you have taken a great interest in it and you wrote a very comprehensive paper on the subject some years ago, on the subject of the stabilization of prices of colonial products. It is true that the whole welfare of this country does depend very largely indeed on agricultural prices. Unfortunately this is a world problem, and unfortunately it is not one we can entirely deal with ourselves. Luckily, it is obvious from the deliberations at Hot Springs and subsequent deliberations of a committee set up at that conference that it has at last been recognized that it is a world problem, and it is obvious from a pronouncement made by the Minister of Agriculture at home on 15th November that the problem is very much recognized in England. When I say it is recognized as a world problem by these authorities, I have every reason to anticipate that we shall get a good deal of assistance, but that is not all. There is a tremendous amount that we can do ourselves, and I can assure hon. members that this question is never out of my mind.

Taking cereals first. Although I am not in a position to make any definite promise, I think the cereal position is such that we shall have to have some form of cereals pool for some years to come, and I believe working on it now) to be found (we are working on it now) to tie up that cereal pool with a scheme of controlled prices and guaranteed stable prices for a period of, say, three years at least. As regards coffee, efforts are being made to see whether the producers desire to discuss some sort of contract that might bring them stability as far ahead as

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1952. As far as pyrethrum is concerned, the hon. Member for Nyanza has been in the United States, and I think we can very safely leave the future of that industry in the hands of himself and his board, and any assistance I can possibly give him he knows is at his disposal. As regards dairying, we are in negotiation, and we are, as you know, air, constructing the necessary cold storage at the coast, and I have every hope that some form of stability will shortly be in sight for that industry, anyway for a considerable period. The same applies to the pig industry. All I can say to the hon. Member for Trans-Nzoia is that we have got to do everything we can on the broadest level in conjunction with world authorities, which we are doing, and we have got to do everything possible locally to help ourselves. We can no longer leave our destiny to the middlemen and to private commerce. It is a Government problem, and we have to tackle it and see that every step is taken, including the necessary one of having dependable statistics which we never had before.

The hon. Member for Ukamba asked about soil conservation services, and suggested that responsibility for this all important activity seemed to be divided into two parts. He asked who is responsible for work under the (a) and (b) sides of the budget. As regards the major problem of who is responsible, as I visualize the position a certain amount of soil conservation will be done as part of the normal routine work undertaken by the Agricultural Department under recurrent expenditure, and certain major works will be done out of the D.A.R.A. funds, for which application has to be made to the Development Authority. Applications will exceed the money available, and therefore somebody has got to lay down a priority and the amount of money that can be granted. That will be the Development Authority, but the work will be done by the Agricultural Department if it is done today. You cannot have divided responsibility, and if the Agricultural Department does not carry out this work to the satisfaction of the Development Authority it is up to them to find out why. So, we shall actually with regard to the (b) budget be the agents for the Development

Authority. As regards the soil conservation service itself, I am most anxious to see that it is not regarded as something apart from agriculture. There are tendencies, or there have been, in that direction. The mere construction of terraces and preventative works of that type do not in themselves solve the problem, and if people think so they are deluding themselves. Both in the European areas, which should know better, and in the native areas there is a tendency in that direction. What we hope is to have competent people who will go round with farmers and consult with them on their problems and point out where things are going wrong and why, in many cases drawing attention to bad farming practices, and only where necessary bringing in machinery to stop movement of the soil. That is a subject which I will refer to at greater length on a suitable opportunity.

The hon. Member for Ukamba also asked about agricultural education, and expressed the hope that, as regards the African, an agricultural bias would be brought into their education. He had an answer in the very able speech of the hon. Acting Director of Education, but I would again appeal to hon. members representing native interests and say that, as far as the departments are concerned for which I bear some responsibility, we are very worried over the fact that educated Africans do not want to go in for any form of agricultural career. They seem to think that any other career gives them a greater status, whereas taking an agricultural career would really enable them to play a most important part in the betterment of the lot of their own folk. (Hear, hear.) The hon. member also asked about the phosphate industry in Uganda, and said he had heard that that phosphate was as good as the superphosphates we used to import, it was very cheap, and was easy to market. This is a complicated subject. There are very big deposits in Uganda of rock with a phosphatic content, and we have been using it, and are at the present moment using it to quite a considerable scale. Production at the moment has reached a total of approximately 7,500 tons in the last 12 months. The price we have to pay for this Uganda rock phosphate is Sh. 87/50 a ton, and that is not really cheap. Although you cannot scientifically

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compare the two, if you compare it with the single superphosphate we imported before the war and distributed at Sh. 110, the price of this Uganda rock phosphate should on availability plus content, sell at not more than Sh. 70 per ton to-day. Therefore it is not cheap. There are possibilities of making silica phosphate, which is not quite the same as superphosphate, by installing machinery on a big scale, and that is being very carefully gone into by the Industrial Management Board. A great deal of research work has been done, and I can assure hon. members that as far as this promising and useful industry is concerned we are doing our level best to pursue the matter, to induce the proper people to come and deal with it, and thus stimulate large scale production at reasonable prices.

His next point was to ask if Council could have information about the position as regards grain storage. The position is that we have at the moment in Kenya storage capacity for cereals amounting to approximately 100,000 tons. A lot of this storage is temporary and not very satisfactory, but we have managed to carry on with it. It has entailed a great deal of double handling, which I hope we may succeed in reducing this year; some of it may have been a little unnecessary. The question of permanent bulk storage has been gone into, and we have had out here on separate occasions representatives of the two biggest firms in England who manufacture that class of machinery, each of whom put in an independent report. We have had a committee of the Production Board going into these reports, and also discussing the relative merits of an attempt at bulk storage at high level with conditioning plant attached as opposed to silo storage proper. Their report is being gone into at the moment. At any rate we could not get this plant in a hurry, and it would cost something in the neighbourhood of half a million. Therefore, before we can embark on an expenditure of that magnitude it is a matter to be gone into very carefully. All I can say to the hon. member is that in view of the very long time in which these inquiries have been conducted I hope a report will emanate in the immediate future. We have not left any

stone unturned in this direction, because I believe myself—though my opinion is not shared by lots of people—that this country should have modern cereal storage facilities.

He then asked if Government would undertake water boring, and an answer was given by the hon. Director of Public Works. I understand that, insofar as water boring is concerned, Government is not undertaking it but is encouraging private enterprise, but under the conditions which exist in the country to-day I am afraid that we cannot allow any commercial firm to pick its clients and bore where it likes. We have got to lay down priorities and state which boreholes are most urgently required at the present time. (Hear, hear.) In this connection I should like to pay a sincere tribute to existing commercial firms, because, although I had no legal right to do it whatever, by their co-operation they have allowed for the last two or three years a small sub-committee which I set up to dictate to them where they should bore, and I think that was very public spirited action on the part of those commercial firms. (Hear, hear.) This sort of system will have to go on—exactly how, I am not in a position to say, but all boring will have to be under a system of priority for two or three years to come.

The next point he raised was the Settlement Office and that the salaries were paid very high. The time is getting late, and I am not going into individual salaries, but I will explain roughly the position. If we are going to encourage, as we must, young men to come out and make their homes in this country, we have got to see that on this occasion we give them every possible chance. Therefore, I will not take on anybody to advise these men who is not himself a farmer and who has not himself made good from a small beginning in this country, because I want practice and not theory. The salaries may look high, but they are not high enough to get the men I want, I am sorry to say. And remember, these salaries, even if some are given on a three year letter of appointment, are all in practice terminable on either side by three months' notice, and there are no hidden emoluments at all in the way of pensions and so on. I think that (although I am all for cutting expend-

[Major Cavendish-Bentnick] the land, and said that tribal customs and law were used as a screen for those who have no policy themselves. I have already referred to that subject, but insofar as I am concerned I can say that there is going to be no screen of that sort. On the other hand, I think I would be very ill advised were I to disregard native ideas. He added that agricultural land had at present not only to support the agricultural community, but also the wage earning community, but also to agree with him more, but I could not out that if we are going to move certain sections of the population out of the reserves as wage earners we have got to move the whole family, and let me add it is not always as easy as you think, because some of these gentlemen have as many as 37 dependants.

The next point was that he wanted me to say something about the "investigational team" which appears in the budget. He said that in regard to investigations in native areas the team was too slow, and he was not very satisfied with it. He is absolutely right. I have been down and seen the investigational team at work, and immediately came to the conclusion that we were trying to do something with the wrong instrument. But let me explain that the idea of the original investigational team was a very useful try out to see how we could best adopt these inquiries, and I think it was you, sir, who appointed this original team of experts. I am very glad indeed it was appointed. But experience shows that if you have a number of experts their duties overlap. What is wanted is, first of all, somebody to look at the type of land, then somebody to see if there is any chance of putting water on it, then more often than not a fly survey (which takes far longer than anything else) and it is no use starting off on fly surveys, soil surveys and medical surveys if there is no water, and very often we find half our team of experts sitting on their hunkers wasting time. However, I have abolished that system, and have arranged for a Native Settlement Board which will draw up plans and send experts to report to them as and when required. That enables us to do more areas at the same time, instead of just one or two at a time. This is the new system and the new set up. Also I would say that my experience shows that if you get a team of six or eight experts, when it comes to submitting reports I am favoured with six or eight contradictory reports! (Laughter.)

The hon. member Mr. Shamsud-Deen in his remarks referred, I think, to Mr. S. G. Hassan Shah, an officer for whom anybody who has been in this country for any length of time has very great regard. All I can say is that I will go into the question. I do not think it is a thing I can discuss here.

The hon. member Archdeacon Beecher talked about our first task being to save

the land, and said that tribal customs and law were used as a screen for those who have no policy themselves. I have already referred to that subject, but insofar as I am concerned I can say that there is going to be no screen of that sort. On the other hand, I think I would be very ill advised were I to disregard native ideas. He added that agricultural land had at present not only to support the agricultural community, but also the wage earning community, but also to agree with him more, but I could not out that if we are going to move certain sections of the population out of the reserves as wage earners we have got to move the whole family, and let me add it is not always as easy as you think, because some of these gentlemen have as many as 37 dependants.

The hon. Member for Rift Valley asked about locust control and the machinery pool. I have dealt with both.

Now I should like to come to the remarks made by the hon. member representing Arab interests, who complained that the Agricultural Department had done nothing whatever as regards the coast, that no interest was taken in the coast and, more especially, that nothing was done about fruit growing. The position as regards the coast area is that we have in that province a senior agricultural officer, two assistant agricultural officers and two agricultural officers. The province is as well served agriculturally as the man power position permits, but the staff is inadequate, more especially when it is realized that we had to spend a great deal of effort in collecting rubber which was a very, very pressing war requirement. As regards the Kiborani Experimental Station, it is true that at some time during the war years (I think it was about two years ago) this station reverted to a state of semi-abandonment. This was due to the pre-occupation of the coastal staff on food production and rubber production. During the past year the station at Kiborani has been re-opened and intensive investigations and experiments have been undertaken into various fruits and vegetables which may prove suitable for coast conditions. The Director of Agriculture has on more than one occasion explained to Council his proposals in regard to horticultural work in the Coast Province and elsewhere. The

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horticulturist for whom provision was made in the 1945 Estimates has not been obtained. We have tried the whole world to obtain one and have not as yet been successful, but we have a highly qualified man coming for three months who will help us by reporting on our problem, and we hope in the meantime to secure a permanent appointment. So we are doing something as regards the coast, and I should like to give hon. members, two or three of whom have referred to this object, an assurance that the coast area will receive precisely the same amount of proportionate attention as any other area in this country. Personally, I regard it as a very important area, and one of the few areas where considerable further developments as regards resettlement could be carried out.

The hon. member Mr. Pritam said that agricultural officers had told the Africans not to trade with Indians. I cannot allow that rather strange statement to go unchallenged, or it might be taken that by default it was true. I need hardly say that there is not one word of truth in it, but there might be a sub-stratum of misdeed if he is referring to the area round Elburgon. If he is referring to certain episodes in that area, then I say that the agricultural officer is absolutely right, because what has happened there is that certain traders, who were supposed to be purchasing potatoes, deliberately kept the Potato Control, deliberately kept the unfortunate native women waiting all day long and it became dark, saying that they did not want any potatoes. Then when the wretched women were very tired, at night, they bought up the potatoes at very small and totally illegal prices and sold them to the Potato Control at about three times the price next morning. If that is being stopped, all I can say is I am jolly glad.

MR. PRITAM: That is not what I was referring to.

MAJOR CAVENDISH-BENTNICK: If not, I can assure him that if he can make out a justifiable case I will take it up with the department concerned straight away.

I was asked to make a statement about the Asian agricultural training centre at Morogoro.

MR. VINCENT: Excuse me, but could we ask the hon. member not to hurry.

I know that St. Andrew may interfere with this debate, but I am perfectly prepared to listen to him and other members on Monday morning, if necessary. These are important replies to this debate, they have to be recorded in Hansard, and I think it is very unfair for any hon. member to have to rush his speech.

MAJOR CAVENDISH-BENTNICK: I am afraid my sympathy was rather with my colleagues who have to listen to me!

The point was raised about what is happening about the Morogoro agricultural training centre for Asians. The position is that 10 places have been reserved for Kenya entrants to this school. I have no information as yet available from Tanganyika as to when the school will open. This will depend on when the necessary buildings can be erected and suitable staff engaged for training purposes, but the matter is being pursued, and I know that the Tanganyika Government is very anxious to get the school in being as early as possible. The course of instruction will be a two-year course, and the aim is to turn out farmers and overseers equipped with adequate knowledge of practical farming, including some knowledge of stock. We have been promised information as to when the school will open and what the qualifications for entrants will be. As soon as this has been decided by the Tanganyika authorities (and as a result of the questions being raised, I have arranged for a further communication with the Tanganyika Government to try and find out what is happening) I will convey the information to the hon. member as soon as I receive it.

The hon. member Mr. Pritam also raised some points about the future of temporary saw mills which came into being during the war. This is rather a different question from the one to which I have already replied, because it is really a question which affects forest policy. During the war a great number of temporary cutting rights were given; they had to be given and, as given, I think they probably were not as harmful to our forests as some people imagine. They were purely temporary, and the areas chosen were areas which in the opinion of the Conservator, did least damage. These people knew

[Major Cavendish-Bentick] perfectly well that the rights they were given were temporary and, although I am afraid some of them are now sorry that such rights were not permanent, we have got to stick to the arrangements made, and some of these licences are being terminated on the 31st December. Some may have some part of the concession granted to them left for a longer period, and some for specific reasons may even go on operating for some months. Each case is treated on its merits, but I will repeat that the Forest Department cannot possibly go back on arrangements made, which were that each of these licences were only temporary quitting rights.

The hon. Member for Nairobi North asked about Rubber Control and he asked whether this could be lifted at the end of the year. Rubber Control and our efforts to reduce wild and other rubber are terminating at the end of this year. The results obtained, to my mind, do not justify continuation. We have already made a reduction of £22,000 on each side of the budget and all that appears in the budget is that the sum of £1,000 (I am not sure whether it appears in this draft budget, but it will appear when the Standing Finance Committee have finished) to cover the cost of winding up the organization, and rubber collection will be left to private enterprise.

He also asked about the sugar subsidy. That is a very complicated question which I have no pleasure in leaving to the hon. Financial Secretary. I only hope he has looked it up and briefed himself!

The hon. Member for Uasin Gishu asked about the salary for the deputy chairman of the Production Board which appears in this year's estimates and which has not appeared in previous estimates, and suggests that by crossing the floor of the Council I may have changed my point of view with regard to expenditure. Actually, the total head is £20,000 less than last year, but I should just like to justify the £600 which has been inserted for the deputy chairman. The gentleman in question has been my deputy chairman for many years, and he has given his time free for all that period of time and has done a most wonderful job of work for this country. (Applause) The position is that his son

is coming back, he is not quite as well of as some people imagine, and he has no longer the facilities of residence here that he had hitherto. He has therefore either got to cease giving the assistance he has in the past, or we have got to pay his out of pocket expenses when in Nairobi. Especially as I am taking over my greatly increased responsibilities it is impossible for me to leave the Board without somebody to do the routine work, which is enormous with planting orders, claims and one thing and another, and therefore I think that it is only fair that after all these years his small out of pocket expenses should be met. (Hear, hear.)

The hon. member then referred to an article which appeared in the *East African Agricultural Journal*, written by the Agricultural Economist, and he felt that that was a type of article that might do us a good deal of harm. In justification for the officer concerned, he did show that article to the Director of Agriculture and was told that he was allowed to publish it. After all, it is only his own opinion. I do not really worry much about such publication, because I think that sometimes the truth hurts a bit, even though it may at times be only partial truth, for sometimes it helps us to put our house in order. I do not believe that article is going to have any adverse effect on settlement. I would also say that it was sent to the *Journal* in February, 1945, and was probably inadvertently written just about the time our settlement report was published, which frankly I think possibly was an unfortunate moment. But this could not be helped. I think that it should also be made clear that the conclusions in that article were based on the 1936 Agricultural Census, which means that the premises were based on slump figures. I am rather sorry the writer did not base his arguments on 1938 figures, when conditions had improved; in any case, our pre-war agricultural census figures were not very accurate. I cannot admit that all his figures are accurate. A whole lot of crops have been left out. Pyrethrum is not mentioned in his analysis, and the amount of arable acreage in the Highlands has enormously increased and covers a variety of crops. Where his criticisms have been useful and constructive are in respect of low yields of cereals per acre and low yields of butter-

[Major Cavendish-Bentick] from so-called dairy cattle, and insofar as he has pointed out these deficiencies we have done a lot in two or three years to overcome them. Anyway I do not think the article has done very much harm.

The hon. Member for Mombasa and the hon. Member for Uasin Gishu have criticized Ziwani and Taveta, and have asked for a blueprint and for exact expenditure costs and for revenue figures. I am afraid it would be quite impossible for me to produce the figures to-day, but they are, of course, available, and I will see if I can have them ready when the budget report comes back, and give them to Council. As regards Taveta, it must be understood that the major scheme I am looking after at the moment is a scheme carried out in a native area, and while I hope it will provide a firm foundation for one of our first minor settlements, it cannot be purely regarded as a food producing scheme run on commercial lines. Ziwani is somewhat different. Ziwani was originally a scheme designed to produce food for the army. It is still supplying a certain amount for the army and incidentally supplying us with a tremendous amount of valuable information. Whether that is worth the money it has cost I cannot say at the moment, but I will say that both together, although they are costing us a great deal—and I was not contented with them when I was on the other side of Council—are providing very valuable experience which we never had in the past, and we perhaps know certain things now which we ought to have known before.

The hon. Member for Mombasa asked about timber for export and it was to be graded in future. Some timber, in spite of what I have said, a small amount of timber will be allowed to be exported; that is, better quality timber. As regards grading, I have casually alluded to it. I have got the three territories' Conservators of Forests to agree, and I think their Governments, and we are going to have an inter-territorial grading scheme at coast ports for all timber, such grading to be done independently by a Government grader before any timber is allowed to leave this country. (Hear, hear.)

The hon. member Mr. Patel said there were so many boards that he really could not keep track of them all, and mentioned the Production Board and the committee set up to advise me in regard to the new set-up. Well, sir, I do not think he need be unduly alarmed. We have had the Production Board for a long time now, several years, and it will probably develop into a Board of Agriculture, which instead of merely dealing with European agriculture will deal with agriculture of all kinds. I think it is very necessary to have such a board, and I can assure the hon. member that that is the opinion of the country as a whole.

As regards the Advisory Board, it has had one meeting and will have another, and I think I can reassure the hon. member that it will then disappear. He then talked about the agricultural vote generally; I think I have said plenty about that and I have said to go through it all again in detail. He said that on page 99 there were further hidden subsidies for agriculture which have been pushed in there, in the shape of items 11 and 12, "paraffin for agricultural purposes" and the "refund of duty on petrol". Those are nothing new whatsoever. Item 11, paraffin for agricultural purposes, has appeared in the budget for years and years and is nothing new; and it is not applied only to European agriculture. As regards the refund of duty on petrol, that is perhaps new, because during the war we got certain tractors which were petrol run from America, and although we tried not to accept them the U.S. authorities said that beggars could not be choosers. So we have had to refund duty on the petrol consumed by those tractors to bring them more or less into line with ordinary diesel tractors.

The hon. member Mr. Patel also particularly wanted me to say something about milk supplies at Mombasa and to give some assurance that they would be improved. I am not quite clear what he improved. In my mind, whether it is the Mbarikani native milk supplies or land to be donated for the removal of the existing farms in Mombasa to the mainland.

MR. PATEL: Land found for dairies taken from the Island to the mainland.

MAJOR CAVENDISH-BENTICK: I thought he meant that, and am delighted

[Major Cavendish-Bentick] to hear that that is the intention because, from the point of view of cruelty to animals, the state of these dairies is very lamentable to my mind. It is a difficult question, but efforts are being made to find land. In Champanwa a flint survey is being made, and it is proposed to apply to the Standing Finance Committee for funds to continue a certain amount of bush clearing in this area. Now that I know what the hon. member has in his mind, I can give him the assurance, because I have been to see these dairies myself, that I will do everything I possibly can to assist in the matter and will keep in touch with him.

I am afraid that I have probably missed out a good many points raised, but I have kept Council far too long. If there is anything I have omitted I will try and deal with it when we discuss the report of the Standing Finance Committee.

CHIEF SECRETARY (Mr. Rennie): Your Excellency, I am in the pleasant and somewhat unusual position of having comparatively few points to answer in the budgetary debate. That follows from the reorganization of the Government machinery under which my field of activity is more concentrated than it used to be. I gather that, so far as the Development and Reconstruction Authority is concerned and the new set-up of the estimates under which there is a separate budget for the Development and Reconstruction Authority, hon. members agree in principle with the general organization suggested. It is obvious, however, that in one or two cases hon. members are not fully aware of the underlying principles governing the new set-up, and I propose to take up one or two of the points raised by hon. members and explain exactly what the intention is in the new organization.

The hon. Member for Ukamba, for example, said that he would be prepared to see an unbalanced Development and Reconstruction budget. Well, speaking on behalf of the Development and Reconstruction Authority, I may say that the Authority would not be so prepared. The chief principle underlying the Development and Reconstruction side of the budget is that the Authority should be assured that it will be in possession of

sufficient funds to enable it to carry out the development and reconstruction programme on a long-term basis, and if at any time the Authority was in the unfortunate position of having to deal with a deficit budget it might as well pack up. Before such a situation could arise, however, the Authority would naturally make representations to the Government, and if it was the case that, say, pending the raising of a long-term loan, the Government was not in a position to put the Authority in sufficient funds on a permanent basis, the Government might then transfer to the Development and Reconstruction Fund as a temporary arrangement part of its own surplus balances permitted such a transfer, or it might take the step of raising a short-term loan and transferring the moneys raised in that way to the Authority. But it is absolutely essential that the Authority should always see before it, stretching ahead over a period of years, sufficient money to enable it to carry out the long-term programme of development that it is its duty to attend to.

The hon. Member for Nairobi North suggested in the course of his very interesting speech, on which I should like to congratulate him—and in this he received support from the hon. Member for Uasin Gishu—that the Development and Reconstruction Fund should be financed entirely from grants and loans. I do not agree with that suggestion either. The main point in that arrangement would be that the Development and Reconstruction Fund would not have the benefit of the contributions from revenue which form a very important part of the new proposal. So far as I am concerned, I regard it as essential that revenue should contribute to the fullest possible extent every year, if the financial circumstances of the Colony permit, to the Development and Reconstruction Fund. Perhaps at this stage I should answer the question raised by more than one hon. member as to the principle on which works were transferred from the Public Works Extraordinary head of the Estimates to the Development and Reconstruction budget. This was a matter about which the hon. Acting Financial Secretary and I consulted, and we came to the conclusion that, so far as continuation works are concerned, that is to say works which had already been begun

[Mr. Rennie] last year, or the year before, or even this year, and for which provision had been provided under the Public Works Extraordinary head of the Estimates—we should continue to make the necessary provision under that same head. So far, however, as the new development works were concerned, when they were of a major nature we agreed that they should appear on the Development and Reconstruction side of the budget. Looking ahead for a year or two, the result of this procedure will be that the Public Works Extraordinary head of the ordinary budget will be relieved of a considerable amount of expenditure that it would otherwise have to bear. In other words, it passes that expenditure across to the Development and Reconstruction side of the budget, and it seems to me only fair and only proper that, in passing that particular baby across to the Development and Reconstruction side of the Estimate, it should also pass the wherewithal to feed and clothe the baby and ensure that there is the necessary provision.

Quite apart from that, there is another point, and this takes up, I think, a point made by several hon. members, including the hon. Member for Nairobi North, in which it was suggested that there should be a revenue relief reserve fund. Quite apart from the earlier points I made, there is this point, that in good years it is to the advantage of the Colony that it should pass across to the Development and Reconstruction side as large a part of any surplus on the working of the year as it possibly can. If that transfer takes place it means that there is no temptation given to heads of departments or to hon. members on the other side of this Council, to suggest, because of surplus revenue, that this particular service or that particular service should be expanded. On the other hand, the surplus revenue is tucked away as a prudent business man tucks away any surplus he may have into an investment account, or a development account, which will be used by the Development and Reconstruction Authority over a period of years. The result will be, of course, that in bad years the contribution from general revenue will be very small or nothing at all. We have there, in effect, a revenue relief reserve fund and we get a flexibility added in the Colony's finances,

which under the present arrangement is completely absent. The hon. Acting Financial Secretary indicated a further benefit from such a procedure. If it is necessary to cut down expenditure in times of depression on the ordinary revenue budget, the Development and Reconstruction budget can come along and help. If necessary, expenditure on development and reconstruction can be speeded up in order to counter the general effects of the depression and it might also be possible in such times for the Development and Reconstruction side of the Estimate to take over from the ordinary budget some items of expenditure. We have by that arrangement a flexibility, as I said, which is entirely absent in present circumstances, and it seems to me that that flexibility gives exactly the reserve fund, in a rather different way, for which the hon. Member for Nairobi North was pressing.

As regards his suggestion that the Development and Reconstruction Fund should consist only of loans and grants, I would refer to the other two main items which appear on the appropriate page of the Estimates: total loans, £5,000,000; and total grants from Colonial Development and Welfare Vote, £44 million. As regards the first of these items, I have no doubt that my hon. friend the Acting Financial Secretary will have more to say later; but I would merely say at this stage that that figure has been inserted because the Government hopes to be able to raise loans, both local and overseas, to a figure somewhat approximating £5 million over the next ten years. As regards the £44 million which is inserted under total grants from Colonial Development and Welfare Vote, I was responsible for that figure. I now have reason to suppose that in one sense that £44 million figure was slightly optimistic, but I also have reason to suppose that we shall receive from the Colonial Development and Welfare Vote sufficiently substantial assistance to raise the final figure beyond the reach of the adjective "phony".

Before I leave the speech of the hon. Member for Nairobi North, I should like to comment on one piece of advice that I understood him to give to the hon. members of this Council. He advised that it might be possible to reduce recurrent expenditure—and if I remem-



[Mr. Rennie]

ber rightly, he was dealing at that time with the Public Works Extraordinary head—by transferring items under that head to the Development and Reconstruction budget. I am rather surprised that he did not take his suggestion a trifle further. If he had said (knowing that there is this difference of some £640,000 between the 1946 recurrent expenditure and the present 1945 recurrent expenditure), "Let us go to the Development and Reconstruction side of the budget and take the sum of £320,000 out of Head 14, Buildings, bring it back into Public Works Extraordinary; add it to the sum of £321,000 already there and get somewhere about £640,000; and then push the whole sum of £640,000 into the Development and Reconstruction budget", he would have succeeded. According to his argument, in reducing the difference between the 1946 recurrent expenditure and the 1945 recurrent expenditure to nil, he might have gone further. He might have taken another £200,000 out of the amount of £716,000 that appears under Head 14 of the D.A.R.A. budget, added it on to the transferred sum, and he would then have found, according to his reasoning, that the 1946 recurrent expenditure was £200,000 less than the 1945 recurrent expenditure. (Laughter.) I do not think the Standing Finance Committee will find that it is just as easy as all that to reduce the recurrent expenditure. The short fact, of course, is that expenditure under the Public Works Extraordinary head is not recurrent expenditure, and that any transfer between that particular head and the D.A.R.A. side of the Estimates will have no effect whatsoever on direct recurrent expenditure.

To deal with one or two other points raised by hon. members, the hon. Member for Nairobi South asked what the Government was going to do about mining. Various steps have already been taken in that connection, and perhaps I might be allowed to quote from a recent report by the Commissioner of Mines: "Provision has been made in the 1946 draft Estimates of £3,500 under Head 25A of (1), the item 'Prospecting for Economic Minerals', which enables Government prospecting units to carry out prima facie investigations of deposits or, alternatively, assist deserving small

workers and prospectors in the field. (2) A new ore-testing laboratory to assist the mining industry in research on the economic treatment of ores. (3) A new appointment of a metallurgist in the draft Estimates to carry out research work in this laboratory. (4) Proposals now before Government for direct loans to approved small workers. (5) A geological survey. (6) Early publication of geological reports on work carried out during the past few years. (7) An improvement in the nature of titles, now under contemplation." That, I think, shows that the Government has done a considerable amount in that direction already. The hon. members also asked if there is any inter-territorial set-up for mining. In reply to that question I would refer him to the second and third subparagraphs in paragraph 6 of Sessional Paper No. 6 of 1945 in which the required information is given. The hon. Member for Nyanza asked whether a technical man was to be placed in charge of the new mining section under the new set-up proposed for that department. The answer is "Yes".

The hon. Member for the Coast—if we leave mining for the moment and turn to a different matter—asked regarding the status of the new Consulting Engineer. Perhaps I might be allowed to quote, in that connection, a recent minute by Your Excellency, which reads as follows and which I think provides an adequate answer to the hon. member's question: "In broad outline my conception is that the Consulting Engineer would examine all engineering projects and plans and advise the Authority as to how they ought to be carried out—departmentally, by contract, or by a combination of the two; on matters of plant and staff (types, qualifications, competence and so on); on the need in particular cases for an expert opinion. We do not expect of a consulting engineer that he should possess all engineering knowledge, but we do expect him to be able to advise us when specialist consultations are necessary and how to arrange them. Then it would be his duty to supervise the execution of all his works undertaken under D.A.R.A., to see that they are vigorously and technically efficiently carried out, and that funds are not wasted. If things went wrong he would have to put them

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right, or report to the Member if top level intervention was needed. In respect of the matters to which I have referred he will be the senior engineer under the Government. He will not, of course, be involved in departmental details or interfere with the administration of the Public Works Department. The Director of Public Works will have a professional colleague who will be of great assistance to him in technical matters." That, I think, answers the hon. member's question adequately.

Perhaps at this stage I might be allowed to deal with a point in respect of which I thought the hon. Member for Rift Valley was under a misapprehension. He referred to D.A.R.A. not being able to present its plans. The Development and Reconstruction Authority is not the planning committee. There is a planning committee and, so far as the Authority is concerned, it is waiting on the planning committee to produce the plans which the Authority will be called upon to execute.

The hon. Member for Ukamba asked why aviation is included in the Development and Reconstruction budget. Under Head 5 has been inserted a sum of £25,000 for improvement of aerodromes. That, I think all of us will agree, is very definitely a development matter.

The position is that a number of our landing grounds and aerodromes are not at present suitable to take the type of traffic they are likely to carry in a short time. The Authority was asked by you, Sir, to look into the matter, and it has arranged for the necessary surveys to be carried out, and in fact surveys have been carried out on some seven aerodromes in the Colony already. Once the surveys have been completed the Authority will then be in a position to know how much finance is required for various improvements and will, I hope, be able to get on with the work rapidly.

In the course of the debate more than one speaker referred to the standard of building in this Colony. That is a matter to which the Authority has given a good deal of attention in the past few months. Needless to say, the Authority is fully aware of the necessity of seeing that any money that is produced for the purpose of constructing buildings of one type or another is spent as economically as pos-

sible and is spread as widely as possible over the Colony, because, as more than one hon. member pointed out, there can be no doubt that the state of our public buildings in the Colony at the present time is by a large deplorable. There is, therefore, a tremendous amount of work to be done in building better public buildings, but that does not mean that we should build them on an extravagant scale. There can be no doubt that a number of people in this country at the present time have all the wrong ideas about buildings. They seem to think that so long as the Government pays (the Government being that nebulous entity which is not yourself) (laughter), they can submit their schemes, and expect the very highest standard of construction and all the little ceteras and embellishments dear to their hearts. I spent a considerable time trying to disillusion a number of people on that very subject recently, and I am sure the Authority will go on making it clear to people that in this Colony, because after all we are a young Colony and a poor Colony, we must be content with simple and sensible standards for a good many years to come. (Hear, hear.) I hope that those members of the public who are constantly pressing for embellishments will come along and tell me how we are going to find the money for them.

So far as native housing is concerned, the same thing applies. I have, I think, been shocked recently to see the way that the estimates for housing for Africans have been mounting, and I have spent a considerable amount of time—and it is a matter that the Authority regards with much concern—in trying to see how the costs of native housing can be reduced. There are at the present time quite a number of bodies in the Colony working on the problem, and I hope that soon we shall begin to see results. What we want there is far more houses of a reasonably satisfactory standard, and as the hon. member, Archdeacon Beecher stated, we do not want to find ourselves saddled with too many expensive white elephants which will be completely outdated in a few years time. My hon. friend the Director of Public Works said it is difficult to educate people to accept a lower standard than a Baker building. All I can say is that the Development and Reconstruction Authority is going to have a jolly good try! (Laughter.)

[Mr. Rennie]

Now I will say a few words on the subject of taxation, since naturally it is a matter with which the Authority is closely concerned, as it wants to be assured that there is the money to enable it to produce the goods. In the first place, I would mention that I was greatly touched by the reference of the hon. Member for Uasin Gishu to his poor old cow, and surely my hon. friend the Acting Financial Secretary was equally touched. The beads of moisture that gathered on his face were either symptomatic of sympathy for the cow or evidence of anticipatory agony on his own behalf as he contemplated his position as permanent milkmaid. I have not had the same experience of milking cows as the hon. Member for Uasin Gishu, but any I have milked in the past had the good sense to signify when I had given them sufficient attention. (Laughter.) In other words, they did not embarrass me by dropping down dead as the hon. members cows seem to do. (Laughter.) But there is one thing I can be sure of in respect of the Kenya cow. It is this. Long before it is likely to cease giving milk or being milked dry, and certainly long before it is likely to drop down dead, it will indulge in the necessary form of vocal activity to bring its condition home to the hon. Acting Financial Secretary. (Laughter.)

If I may leave the hon. member's cow there and deal more seriously with this question of taxation, I would merely say that, from my knowledge of the finances of the Colony, I am satisfied that if we are going to have the services we want in this Colony and if we are going to carry out the programme of development and reconstruction that we all are looking forward to, we must maintain our taxation at a reasonably high standard. I use the same words as I did two years ago, and it is not very often that one who makes a certain number of public announcements is so consistent. (Laughter.) So far as this question is concerned, the position is this. We cannot have it both ways. We cannot have the services and development we all want at very low rates of taxation. So far as His Majesty's Government are concerned, we shall shortly have from them an indication of the figure we may expect under the Colonial Development and Welfare Vote. That figure I have no doubt will

be a very generous figure, but once we have that figure it will be our duty and our responsibility to make up our mind how much we ourselves are prepared to contribute to assist ourselves for the next so many years. I may say from my knowledge of the position that this £14,900,000 shown in the draft Estimates will not go very far, and I will give one very small instance which came to my notice recently. Hon. members take the keenest interest in the Police Department, and rightly so. I went through the Police Department's table of requirements as regards buildings in its five-year plan. The estimate for that total requirement was very little short of two million pounds. Two millions for the Police Department alone! I mention that figure not because the Development and Reconstruction Authority is likely to spend two millions on police buildings in the near future, but to give you some idea that this £14,900,000 will not take us very far, and unless we are prepared to put our own hands in our own pockets we shall not be able to develop the Colony as we want to develop it.

The hon. Member for Nyanza.—I am sorry he has had to go. I fully understand his reasons. I had to go to Kisumu—sought to show by quoting extracts from the speeches of the hon. Acting Financial Secretary and myself that we spoke with rather different opinions on the subject of taxation. Taking into account that my hon. friend and I are of different nationalities and that each speaks in a foreign tongue (laughter), I think that the pronouncement that I made two years ago and the pronouncement that my hon. friend made two weeks ago do not vary so very much.

The hon. Member for Mombasa suggested, and his suggestion was endorsed and expanded by the hon. Member for Nyanza, that the development of the education service should be transferred to the D.A.R.A. side of the budget. Well, that proposal is not without its advantages and, as a matter of fact, the hon. Acting Financial Secretary and myself discussed it some two months ago in connexion with the new proposals for the education of women and girls. Hon. members will have noticed that the capital expenditure on buildings is already carried under Head 14 of the D.A.R.A. budget, item 30, and it is possible to argue, as the hon. Member for

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Nyanza argued—although perhaps we should not do it quite so loudly, I mean forcibly!—that it is a good thing to transfer this development expenditure, expenditure on the development of education, to the Development and Reconstruction budget. But the hon. member also pointed out the dangers and disadvantages that we should in that way be carrying round the corner, as it were, very heavy recurrent expenditure with which we should be confronted sooner or later and forced to take into the recurrent side of the ordinary budget. We therefore came to the conclusion, my hon. friend and myself, that it was much fairer to everyone concerned if we showed that expenditure, which will have to be a permanent part of the recurrent expenditure of this Colony and, indeed, which will increase as the years go on, if we showed that expenditure in the ordinary budget. I am very glad now that we did not show it on the other side, the Development and Reconstruction side, because I am quite sure that if we had done that the hon. Member for Nyanza would have said a great deal more on the subject than he did when he suggested it the other way!

The hon. member Mr. Patel referred to the question of improved housing for Asian civil servants. He is no doubt aware that I, as Acting Governor, have received a deputation from Asian civil servants on that very matter recently. Reference was then made to the necessity for improved designs of housing, and I pointed out to the deputation that the new figures which had been put forward as estimates for improved designs were out of all proportion to the realities of the country's finances at the present time. We have in the Standing Finance Committee in the last year or two been thinking of a figure of £600 or £650 for the ordinary house for an Asian civil servant. The new figures are £1,100 for one type of house and £1,400 for another. I should like, if I had the time, to quote from the minutes of that meeting, because in a way I anticipated the remarks of the hon. Member for Nyanza. I will merely say that I assured the delegation that the Government would go into the matter and expedite construction of such houses as had been provided for in the estimates.

I propose to say a few words about some of the other points of the hon. Member for Nyanza. I found myself imagining, as I listened to him, that he in fact had been listening in to some of the speeches I had made to a number of people recently on the subject of Government finance. His sentiments and mine coincided very closely indeed on a number of points. The only proviso I would make there regarding listening in is that he certainly did not get some of his language from me! (Laughter.) Government finance, I think the hon. member would agree—and perhaps he would use the phrase—is not everyone's cup of tea. I am not sure that he would use that phrase, but in any case, it is a fact that Government finance is not everyone's cup of tea. I am always prepared to listen to sound advice on the subject of Government finance, especially when that advice is given in language one can understand, and I agree with a great deal of what the hon. member said yesterday as regards the need for economy, the need for watching recurrent expenditure very closely, and the need for ensuring that we do not descend into financial chaos. So far as I am concerned—and I am sure I am speaking for the hon. Financial Secretary—the hon. Member for Nyanza was preaching to the converted. In fact, if he had consulted the hon. member and myself before he spoke I am sure we could have given a few additional points which he could have put across in this Council much better than my hon. friend and I could.

There has been a good deal said in this debate on the subject of increasing recurrent expenditure. Not so very much has been said, until the hon. Commissioner for Inland Revenue made his most able contribution this morning, on the subject of revenue. I took the trouble last week, I think it was, to go through the 1939 Revenue Estimates and compare them with the 1946 Draft Estimates, and frankly, I felt the picture was not so gloomy as I had thought it might be. Another, I should like, if I had the time, to quote from the minutes of that meeting, because in a way I anticipated the remarks of the hon. Member for Nyanza. I will merely say that I assured the delegation that the Government would go into the matter and expedite construction of such houses as had been provided for in the estimates.

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to what we did in 1939. I went through the principal revenue items in 1939, and found before very long that I could account for over 14 million pounds additional revenue without too much trouble, on account of the passage of years, from increased national income, increased prices, and so on, and since the difference between recurrent expenditure in the 1946 budget and that in the 1939 budget is some £2,166,000, one will realize that a million and a half additional revenue is not leaving very much difference to be accounted for in one way or another. I mention that because I do not think this picture as regards recurrent expenditure is quite so gloomy having regard to the naturally increased revenue which has come along since 1939. Further, even on the 1946 revenue side, there are one or two points that one should have regard to. The first I would mention is that of reimbursements by the Railway. If hon. members turn to Reimbursements, Head 6, item 11, page 21, they will see that the Railway is to reimburse Government some £25,000 more in 1946 than it did in 1945. That means, in effect, that you take that £25,000 from the £640,000 increase, reducing it to round about £615,000. Go on with that process, and there are quite a number of items. The hon. Member for Agriculture has his Agricultural Production and Settlement Board estimates on the recurrent side of the Estimates this year—last year they were extraordinary. Turn to Public Debt; you will find a new item of some £30,000, which is added because of the recent local loan. We shall use a good part of that loan for paying off the 1921 loan at 6 per cent next year. Is it a good thing or not to pay out a little interest now at 3 per cent to help us to meet this 6 per cent loan next year? One could say, of course, that we shall shortly be raising more loans and we shall need more money under the Public Debt head, but so far as settlement loans are concerned we shall get the money back from the settlers, and so far as other loans are concerned, they will be used for appropriate development purposes. I mention that in passing merely to relieve the gloom of the picture, as it were, and I would ask hon. members to go through the Estimates and pick out a number of similar items.

I will mention two more. This year we have a fairly heavy passages vote. I think it is quite likely that, provided my hon. friend the member for Mombasa pays particular attention to expenditure under the passages vote in the post-war year, we shall be able after the war to spend less on passages than we shall do, say, next year, 1946. We have heavy expenditure this year on leave pay for retiring officials. That will not continue. You can go on in this way and pick out a number of other items. I merely mention some at this stage to indicate that the picture is not so gloomy as it might be.

Now I will deal with one more point, the question of this £500,000 unallocated expenditure under Head 11 of the Development and Reconstruction estimates. I can assure the hon. Member for Nyanza, and the hon. Member for Kiambu, who also mentioned the point, that the Development and Reconstruction Authority has no nefarious designs on this money, nor does the presence of this vote in the Estimates necessarily show that the Estimates were prepared in a hurry, as the hon. Member for Nyanza seemed to argue. It shows content, on the other hand, that it shows a very wise provision, for this reason. The hon. Member for Agriculture and Natural Resources made it perfectly clear that as regards reconditioning Machakos, for example, we shall need far more than the £25,000 which appears in the Development and Reconstruction estimates. The Development and Reconstruction Authority, without holding up the work there, could take part of that unallocated £500,000 and use it for the reconditioning of Machakos. The same applies to roads, buildings, water supplies and so on, and I would ask hon. members to bear one further point in mind. The planning committee, as I have already stated, has not yet reported and possibly when it does report it will place very high in its list of priorities a number of items that do not appear in the Development and Reconstruction budget at present. The presence of that £500,000 will enable the Authority to get on with its job without being held up for this reason and that. I suggest that on that account, the insertion of this particular head is a wise provision. I would also make it clear to hon. members, in view of the remarks made by the

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hon. Member for Nyanza, that it is the intention of the Authority to consult with the Standing Finance Committee before it undertakes any major items of expenditure under this head.

In conclusion, I should like to assure hon. members that if the Development and Reconstruction Authority can help in any way in the discussions of the Standing Finance Committee it will be only too pleased to do so. It may be that in its examination of the Draft Estimates the Standing Finance Committee may be able to find a number of items which could be legitimately—and I emphasize the word legitimately—transferred to the Development and Reconstruction side. In any such proposal it may count upon the full co-operation of the Development and Reconstruction Authority. I should also like to mention that the Authority is fully conscious that it carries in its responsible task the good wishes of the hon. members of this Council, and on behalf of the Authority I should like to assure hon. members that it will do its best to justify those good wishes and to retain them. (Applause.)

**HIS EXCELLENCY.** That leaves us with the speech in reply to the debate by the hon. Acting Financial Secretary, and I am prepared to meet any time this afternoon that members like. I have thought that 2.30 p.m. would be a good time, if that would be agreeable to members.

**MR. RENNIE:** If I might be permitted to mention one point about the future programme of proceedings in this Council. As hon. members are aware, the Standing Finance Committee has a difficult task before it, and I think it would be the wish of hon. members that we should not restrict the Standing Finance Committee to any particular period. There are not many weeks between now and Christmas and the proposition is—and I should like hon. members to think it over during the luncheon interval—that we should meet some time in the week before Christmas, for merely a formal meeting as it were, as we did last year at the corresponding time. It is impossible to give any particular day now in the week before Christmas for such a meeting. If the Standing Finance Committee required more than a fortnight, we should meet late that week; in other words, on the Thursday or Friday before Christ-

mas. If the Standing Finance Committee completed its deliberations in the usual time we could meet on the Tuesday or Wednesday before Christmas. But the suggestion is that we should meet only for one day before Christmas to deal with the Appropriation Bill only, and for such meeting the procedure would be the same as last year, and there would be no need for up-country members or out-station members to attend. We would deal with the Appropriation Bill, and it would be on the understanding that the Bill would contain the provision which had been agreed to by the Standing Finance Committee as a result of its deliberations and that if, as a result of the discussion on the Standing Finance Committee report, which would probably take place early in January, there were any amendments to be made, then an amending Appropriation Ordinance could be passed. It may be that the hon. Attorney General has some piece of urgent legislation. I am not sure whether he has or not for that one day, but if he has he could perhaps explain later to-day whether he considers that it would be necessary to get that through on that day. That, at the moment, is the proposal and I would ask hon. members to consider it. As regards the first meeting in the New Year, the idea would be to meet on the 8th January to deal with the Standing Finance Committee report. I regret to say there will be some urgent legislation which we shall have to debate a little later in the year, and we shall therefore have to meet somewhere about the middle of February as well. We shall have a busy New Year.

*Council adjourned at 1.25 p.m. and resumed at 2.40 p.m.*

**MR. THOMSON:** Your Excellency, the whole of this long marathon debate has seemed to me; almost the whole of it, to be unreal. So far as I have been able to gather, the general view of hon. members of this Council on the opposite side, and indeed of some of my colleagues on this side, is that this budget should be devised to provide increased social, administrative and productive services and at the same time should show a substantial reduction in expenditure on taxation. This is absolute madness—it has been said before, but it can

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be said again—and it represents a demand for the impossible. Even my hon. friend the Member for Nyanza with all his eloquence was unable to suggest any concrete means by which the expenditure estimates could be reduced—at least no means which would not have the effect of bringing the unfortunate Financial Secretary in front of the Supreme Court in the most unpleasant place from which that court can be viewed! The plain fact is, that if the people of this country require additional social and productive services they must be prepared to pay for them. From that I cannot see any possible escape. It is not possible for social services to increase without expenditure, and it is not possible for expenditure to increase without revenue from taxation. I feel disposed to press the Standing Finance Committee to vote the expenditure necessary for that small suite at Mathari referred to by the hon. Member for Uasin Gishu. I feel that it is a place where Financial Secretaries could suitably spend their declining years (laughter), balancing imaginary budgets of hypothetical colonies, with limitless revenue and without any Education Department, or any Police Force (laughter). I may say that this proposal that I make would have no recurrent commitments, because the pensions of the unfortunate fellows should be sufficient to enable the small suite to be maintained!

To get back to the budget. The budget has been characterized by my hon. friend the Member for Nairobi South and by the hon. Member for Trans Nzoia and by other hon. members as lopsided and unrealistic. I think that the debate has shown fairly clearly that whatever its faults, it is not lopsided because, with the exception of the vote of the hon. the Director of Public Works, there is no vote of any magnitude in regard to which an increase has not been urged by some hon. member or another. That points to show that those of us whose responsibility it has been to prepare it have carried out our duty with strict impartiality. Is it unrealistic? If I understood aright the argument of the hon. Member for Trans Nzoia—and he was supported by the hon. Member for Mombasa—at some length, and by other hon. members—the

argument was that we could not hope to get the revenue, and the hon. Member for Nairobi South indicated that it was the revenue from customs and excise that he had primarily in mind. The hon. Member for Mombasa has consistently criticized the revenue estimates for the last five or six years. Each time he has said that we were far too optimistic, and each time the revenue estimate has been vastly exceeded, and I am quite astonished that he should have had the temerity, in the light of that experience, to get up in the guise of prophet in this Council once more! (Laughter.) (Mr. Nicol: I may be right this time!) If he goes on long enough it is like winning the jack pot in a fruit machine! (Laughter.)

The revenue estimates of the last few years have been framed with caution, and this year is no exception. Perhaps there is rather a lesser degree of caution because we have a rather clearer idea of where we stand. As my hon. friend the Member for Agriculture pointed out this morning, the prices of a great many of our primary products are guaranteed at reasonable levels throughout the whole of 1946, and it is largely on our capacity, or on our ability, to receive a reasonable price for our primary products that our prosperity as a colony must depend. (Hear, hear.) There is no reason what, ever to expect any drastic fall in the prices of primary products next year. On the other side of the picture—and there is another side—there is reason to expect some shortfall in expenditure by the Forces. That will, we hope, to some extent at any rate, be compensated by the spending power of soldiers, sailors and airmen returning to this country or settling in this country from overseas. In other words, there should be an increase in the civil consuming population. All the evidence points to the fact that there are in this country reserves of purchasing power only too ready to take advantage of any improvement in the import trade which may be possible from an improvement in shipping, and although the shipping situation is bad at the moment we have every reason to believe that it will improve during the latter half of next year. The actual revenue from customs and excise last year came to round about £2,400,000. The latest revised estimate for this year

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is £2,250,000, and we have put the estimate for next year at what I think is the cautious figure of £2,188,000. I therefore cannot conceive, for these reasons, why the revenue estimates should not be realized, but I must say that in view of the experience—the unhappy experience—of my hon. friend the Member for Mombasa, I am extremely reluctant to set myself up as a prophet! (Laughter.) All I can say is that the revenue estimates have been compiled with all the care that we could put into them and I accept full responsibility for them.

In answer to the hon. Member for Nyanza, who I am very sorry to see is not able to be with us this afternoon, I can say quite categorically that my hon. friend the General Manager of the Railways and I did consult about the revenue estimates of the Railway and of the Colony before either estimate was put in final form, and that consultation showed that precisely the same policy was in both our minds. The revenue estimates of the Railway Administration envisage some increase in civilian traffic, which conforms with our idea of some increase in the revenue from customs and excise. Where the difference arises is this: that the revenue estimates of the Railway Administration allow for a shortfall in traffic on goods on behalf of the Service departments, traffic which in no way affects our revenue.

I now come to the question of taxation. The hon. Member for Nairobi South asked me what my idea of high taxation was. To that I would answer that I regard high taxation as taxation which has the effect in its incidence of materially reducing the standard of living of the taxpayers. That is the case in the United Kingdom to-day, but I do not think—I honestly do not think—that it could seriously be argued to be very much the case in this country. I admit that in my opening remarks I had in the back of my mind taxation high compared with pre-war standards, but I do think that we must be prepared to face up either to a curtailment of services or to a rate of taxation so high as to cause some diminution in the standard of living, at least of the better off members of the community. The hon. Member for Nyanza, I feel, was completely right when he said that this budget and the

programme of development which it envisages will ultimately necessitate, if not higher taxation, at least more revenue from taxation.

My hon. friend the Member for Nairobi South also asked me what my interpretation was of the Acting Governor's statement that was Mr. Harrington on the 14th November, 1939. That statement read: "The surcharges proposed in the case of income tax and non-native poll tax will be dealt with by a bill to be introduced at the next session which, if enacted, will remain in force for the duration of the war and one year thereafter." That means quite simply what my hon. friend the Chief Secretary said during the same session. What he said was this: "The present intention of the Government is that this legislation is emergency legislation designed to enable the Colony to play its part in bearing the additional war expenditure. It is hardly possible to say, as the hon. Financial Secretary has stated, that may be the position after the war, but this legislation was introduced as an emergency war measure." All I can add to that statement is that if the end of the war comes in 1946 our emergency war taxation ordinances will expire on the 31st December, 1946. We will have to decide then exactly what taxation should be imposed in 1947 and introduce the necessary legislation into this Council to bring it into effect.

You, sir, referred to this budget in your message to Council as one of a series of war budgets. I hope, sir, that it will be the last of that series. During the coming year we are to have a fiscal survey: a review which will include a review of taxable capacity. We are also to have the services of an Economic and Commercial Adviser, and we should, I feel, by the time the 1947 Estimates come to be presented to this Council, have a much clearer picture of the future. We should have an indication of the total revenue that we are likely to be able to obtain; we should have a picture of the cost of our commitments; and should be able to see much clearer than we can see now what we will be able to afford on the expansion of social services and on general development services. If what we have heard in the debate during the last week or two is any criterion, demands will be far greater than supply

[Mr. Troughton] and I am afraid, sir, that your unfortunate Financial Secretary and your other advisers are not going to escape from the unpalatable duty of saying "No."

I must say I cannot let the hon. Member for Uasin Gishu's cow pass unchallenged. (Laughter.) I feel that the death of the cow is not a thing that is likely to, or should result from my deprecations, but I feel that the one thing that would cause the death of the cow—and this cannot be repeated too often—is a collapse in the prices of primary products. There is perhaps another lesson to be learned from the cow. High taxation is an unpleasant and unpalatable thing, and I am reminded of a little rhyme about a cow. It goes like this:

"In Uddersfield near Huddersfield

There was a cow which would not yield.

The reason why she would not yield  
She did not like her Uddersfield."

(Laughter.) The fact is (to be serious again!) that unless the people of this country willingly accept high taxation I do not think that the country can expect to make substantial progress. The hon. Member for Mombasa—for whom I normally have a great respect (laughter)—appeared to think that I had some remedy up my sleeve under which, by working a few hours extra each day, I could produce the necessary money with a light degree of taxation. I have been trying to rack my brains as to what my hon. friend had in mind, and came to the conclusion that he feels that I should buy a printing press, operate it in the night watches, and lodge the proceeds to the credit of the Colony's account with the National Bank of India the following morning. (Mr. Nicoll: A much better idea than I had got!) I am very glad to hear that the hon. member had any idea at all. (Laughter.) He said that I had argued that we must have high taxation in this Colony because taxation was high in the United Kingdom. I never argued anything of the kind. I suggest that that argument is, as the hon. member said, nonsense. What I did say was that I did not think we could in decency accept substantial financial help under the Colonial Development and Welfare Act

unless we ourselves helped ourselves to the maximum of our taxable capacity, and to that I adhere.

The hon. member, Mr. Mathu, who I (am again sorry to see is not here, referred to the Government "designs" to the wealthier members of the African community, and he has already been answered in part by my hon. friend the Member for Nyanza, for whose intervention in this matter I am grateful. All I would say now is this: that when we do decide to proceed with these proposals they will be published for general information. Africans will have the fullest opportunity for commenting on them, both individually and through their representatives on this Council. The legislation will be fully debated and no doubt referred to a select committee, so that there is no intention whatever of the Government springing additional burdens on the African community without full consultation. I referred to the proposals deliberately in my opening remarks because I feel that there is a very definite gap in our system of taxation for Africans, and it is our view that steps should be taken to deal with that gap as soon as we can.

As regards other taxation matters, my hon. friend the Member for the Coast supported by my hon. friend the Director of Public Works, suggested an increase in the petrol tax in order to create a road fund. That suggestion, I suggest, has no merit. One of the main essentials, surely, in a country of primary products, must be cheap transport (hear, hear), and an increase in the price of petrol of, say, less than 9d. or 1/- a gallon would produce no sum really worth the name. That, I consider, would place an insuperable burden on road users, although it might ultimately lead to economy in due time. Very well. The hon. member may then suggest that we should set up a road fund without any special taxation. To that I would answer that no more could be paid into such a road fund than is now available in the Colony's estimates; and in the estimates of the Development and Reconstruction Authority, so no one would be any better off. There is no real alternative to financing the development and capital improvement of our road system from the funds at the disposal of the Development and Reconstruction

[Mr. Troughton] Authority, whether by loans or grants or what, and financing maintenance from recurrent revenue. A road fund was tried out in the United Kingdom some years ago and abandoned as impracticable.

The hon. Members for Nairobi North and Mombasa both stressed the importance of relief for the small individual taxpayers, and so did the hon. member Mr. Patel, and two at least of those members criticized us for allowing the excess profits tax to be removed first. There is nothing that would give me greater pleasure than to be able to stand up in this Council to propose relief in taxation to the smaller taxpayers, and I personally think that the most urgent relief is some modification or more relief in respect of the education of children when that is expensive but, as you said, sir, in your message to this Council, war costs and war conditions remain. I therefore fear that I cannot bring any such peace-offering to hon. members. The excess profits tax was abolished as an act of policy in order to enable industry to rehabilitate itself and to compete in post-war conditions with other markets. The Government will give every possible effort to prevent that relief being used for the distribution of dividends. As the hon. Member for Mombasa said, the distribution of dividends might bring us more immediate revenue, but that, I suggest, would be a penny wise and pound foolish policy, because the development of industry and agriculture should increase the country's taxable capacity and prosperity generally and benefit more in the end.

I must express surprise that no hon. member has mentioned the very important income tax concession which I mentioned in my opening statement; that is in regard to the depreciation allowance in respect of capital expenditure. That may well cost the revenue quite a considerable sum next year, and possibly represent a greater loss to revenue than some of the personal concessions mentioned, but we decided to revise those allowances with a very definite and distinct motive, the object which has been the keynote of the whole budget, namely to further the industrial and agricultural development of the Colony.

The hon. Member for Mombasa once again raised the question of estate duty,

and stated that the Government had given an undertaking that estate duty would be abolished after the war. Well, I must state quite categorically to the hon. member that the Government has given no such undertaking—

Mr. Nicoll: On a point of explanation, Your Excellency, I did not imply that at all. I said that it was on record that we had demanded the immediate removal of that duty when the time was opportune. I cannot remember what Hansard that is in, but that is on record.

Mr. TROUGHTON: It is perfectly true that certain people demanded the abolition of estate duty when the time was opportune, but no undertaking that it would be abolished has been given by the Government. I want to make that very quite clear. I do not think the very modest rates of duty enforced in this Colony cause any very serious hardship to anyone, except the very well off. I am sorry that my hon. friend should have thought that the hon. Commissioner for Local Government and Lands was responsible for this estimate. I do not know why, because as usual I am the villain of the piece. For years we have provided the sum of £15,000 in our estimates for this item, and for the last few years the revenue has invariably been higher, and if the hon. member studies the annual Financial Report for the last few years he will agree. I think that £40,000 is a fair figure.

Another general question. The hon. Member for Nairobi North expressed himself as being disturbed by my statement that criticisms of the Estimates on account of what was left out should be addressed to me rather than to heads of departments, and asked for information. I should have thought that what I said in my opening statement was sufficiently explicit, but the call—"cat there was has been let out of the bag by the hon. Directors of Education and Public Works and the hon. Attorney General. The fact is that the Estimates as presented to this Council do not—I repeat, not—necessarily represent the views of the heads of departments concerned, nor do the estimates of Public Works Extraordinary represent the views of departments putting forward their requirements nor, indeed, the views of the hon. Director of Public Works. The position

[Mr. Troughton] is this, that a considerable number of departmental estimates have been agreed with the heads of departments concerned. In other cases, the heads of departments concerned have agreed under protest. In other cases they have not agreed at all, and in one case I regret to say that it was not possible to consult the head of department concerned about certain last minute reductions, because he was away and his deputy could not answer for him. Similarly, in regard to Public Works Extraordinary, if all heads of departments had got all their estimates then we would have been faced with a programme of public works not only beyond the capacity of the Colony to tackle but beyond the capacity of the Colony to pay. Therefore, I meant what I said when I said that such criticism of the budget from those standpoints should be addressed to me. That must inevitably be so. It is the prime duty of heads of departments to put forward whatever proposals they think necessary for the efficient running of their departments, but they have no information regarding the revenue position; they cannot be expected to take final decisions.

If a budget were presented to this Council in which every head of a department got all he asked for and a state of affairs arose in which local authorities had not to argue their case to Your Excellency's advisers, then I would respectfully suggest that Your Excellency would be well advised to get new advisers. Two-sided the policy must be. The hon. Member for Nairobi North pointed out, quite rightly, that the hon. Commissioner for Local Government encouraged local authorities, whereas I had to be fought. That is an exaggeration, but if I had not to insist on having cases for new expenditure fully supplied I should not be doing my duty, which is to attempt to control the Colony's expenditures. In the same way the hon. member referred to the budgetary considerations in respect of the police, and I do not think I need say any more about that—it is the same story.

The hon. member Archdeacon Beecher suggested that we might consider applying for assistance from the United Kingdom in respect of our civil list. In other words, that we should ask for what is popularly known as a grant-in-aid.

I have had some experience of the working of grants-in-aid in connexion with another dependency, and I sincerely hope that it will never be my duty to advise you, sir, to apply for one in respect of this Colony. It would mean that every item of expenditure would be subject to the most strict control and scrutiny by the United Kingdom Treasury, so that pretty well every time a department wished to engage an extra boy, you, sir, would have to address a dispatch to the Secretary of State and the Secretary of State would have to address a communication to the Chancellor of the Exchequer, and back the correspondence would come, probably with queries. There would be endless delays, and I suggest that the people who would suffer most might very well be those whose interests the hon. member represents.

The hon. Member for Nairobi South referred to the figures, admittedly hypothetical figures, of the probable revenue of D.A.R.A., page 81, and he referred to them as phantom figures—it may have been phoney. The hon. Chief Secretary has to some extent dealt with this matter, but I should like to add a little. Taking the first item, Loans. If you subtract the public debt of the Railway, you find this Colony's public debt is round about five million pounds. I do not think we can hope to do much more than double that during the next few years, but we ought to be able to do that and to stand the result of the increase in recurrent expenditure.

That brings me to the point raised by the hon. Member for Nairobi North. I recognize that the Nairobi Municipal Council has many urgent and important schemes on the tapis. So has every other local authority, and so has many a Government department, and Nairobi Municipality cannot expect more than its fair share, though we will do everything we can to ensure that it gets that. The programme for the development of Nairobi will, I suggest, be limited more by the extent to which funds will be available than by the actual needs of the town and, apart from the question of African housing—which is being financed separately—I do not think the Municipal Council can expect more than, say, two millions, including the funds required for water supplies, during the next ten years and not more, or much

[Mr. Troughton] more than a million during the next five years. I may be wrong, and I hope I am, but I think Nairobi Municipal Council would be very ill-advised to provide for a five-year plan involving a capital expenditure on it of over a million. I do not think they will get the money.

The figure of five million pounds on page 81 does not represent our idea of the total sum that we expect to be able to raise locally. I should be surprised if we are able to raise all that locally, but as you, sir, announced, we cannot go to London in present circumstances. I might also add that we have not been permitted to borrow money in Johannesburg in present circumstances, but I hope that before very long has elapsed we may be able to secure some relief from both of those embargoes.

The hon. Member for Nyanza, and again I say I am sorry not to see him here, made some observations about the recent local loan. I do not propose to deal with them at length, but I should like to say one or two things. In the first place, he suggested the interest rate was wrong. He said that we could afford to pay one-half per cent more for money borrowed here than for money borrowed from overseas. Incidentally, there he was asking for an increase in recurrent expenditure! I personally for one must weigh against that the fact that a loan from overseas brings more capital to the country to circulate in it and be expended on its development. I have before me here a number of quotations of long-dated colonial stocks at the end of last week. Three to four of them are at 3 per cent on long term: Trinidad, 1965-70, the quotation last Friday was at par; Malaya, 1965-70, 3 per cent, the quotation was 99½ cent dividend; a Ceylon loan expiring in 1964, 3 per cent, stood at 101. We must go to the market on market rates of interest—we cannot afford if we are going to finance our settlement schemes and other schemes on terms which will not be a severe burden on new settlers who have to pay fancy rates of interest.

The hon. member accused me of trying to do nothing about the failure of our local loan. What I did say was that the Government had no immediate in-

tention of raising a further loan, and I said that for a very good reason. The Chancellor of the Exchequer recently announced in London that he proposed to take steps to tackle reduction of the interest rates on long-term securities. Therefore we may expect that in the near future we may be able to borrow on rather more favourable terms than the present, and with the prospect of more favourable terms a little bit ahead it would be absolute folly to borrow now at rather dearer rates. The hon. Member for Nyanza also said that we should have raised a loan two or three years ago. At that time we had plenty of cash, we had no immediate need for loan funds, and I suggest it would have been more unsound to borrow money and pay interest on it when we could not utilize it, but which would merely lie with the Crown Agents or banks earning a very small rate of interest, far less than we would have had to pay for it.

The hon. Member for Nairobi North referred to the desirability of the creation of a revenue relief reserve fund, and the hon. Chief Secretary has dealt with some aspects of that this morning. There is little more to be said. We, in fact, have such a fund. We have a reserve fund of half a million which we have loaned to His Majesty's Government for the duration of the war free of interest, and also have accumulated surplus balances of just under two millions, a total of about 2½ millions or so, or about half our annual recurrent expenditure. I think that is a sufficient reserve for the purposes the hon. member has in mind; and that, keeping that on one side for the purposes of lending stability to our ordinary budget, we should, apart from that put everything we can scrape into future development and reconstruction.

The hon. Member for Nairobi South also asked the position about the repayment of our old loans and the prospects of a conversion operation. Well, the answer is quite simple. We hope to repay our old loans as soon as we possibly can, because the rates of interest are a very serious and onerous burden on the taxpayers of the country. We have not considered the question of a conversion operation, but the possibility is something I can go into when I get home.

[Mr. Troughton] (Hear., hear.) That is, if I ever succeed in escaping from this budget. (Laughter.)

On the question of the principle which has been used in the division of works between the ordinary budget and the D.A.R.A. budget, the hon. Chief Secretary has already explained the position. All I should like to say is this, that the hon. Member for Nyanza, and maybe one or two others, have suggested that a simple way to balance the budget from the Financial Secretary's standpoint is to push a lot of items on to D.A.R.A. The hon. Member for Nyanza obviously does not know my hon. friend the Chief Secretary. I have been trying for these six years to sling fast ones over my hon. friend, and I regret to say that I have not been singularly successful! So I can assure hon. members that there is no hokey-pokey about that particular part of the preparation of the budget. We did not think of even taking a chunk of recurrent expenditure and pushing it over to D.A.R.A. and calling it non-recurrent!

The hon. Member for Nyanza quoted Your Excellency's address to the Civil Servants Association on the subjects of standards of living, and then spoke about some of the increases in the salaries of the various posts, and he made it clear he was not referring to the hon. Chief Secretary. I can only conclude that he had in mind the case of the hon. Deputy Chief Secretary. The question of this or that other standard of living does not warrant a departure from the principle that the salaries which people draw should be commensurate with the responsibility of the post they hold, and the fact is that in this particular case my hon. friend is carrying out the duties of the post of Chief Secretary for £250 less than the substantive salary of the post.

Controls. I am indebted to the hon. Member for Mombasa for explaining the general position, and it is not necessary for me to say very much. But I am surprised that, after my opening statement, any members could have seriously considered it was possible to abolish the Imports Control in present circumstances. It is not. As I happen to be responsible as chairman of the Supply Board for the policy, nobody would be more pleased than I if it were abolished. The hon. Member for Nairobi

South asked for a statement indicating exactly those commodities in which importations from the sterling area had been relaxed. I am afraid that I cannot give any definite statement at the moment. The matter is being considered inter-territorially, and a statement will probably be made by the Production and Supply Council. In the meantime, all I would say is that importers should bung in their applications to the Imports Control and if they can be allowed they will be allowed.

The hon. member Mr. Pritam during the course of his speech referred to the necessity for a scheme for the distribution of certain imports. I think he had in mind the distribution of cotton piece goods. I must take the hon. member to task. He is a member of the Supply Board, and the Supply Board has considered this question of distribution of cotton textiles *ad nauseam*. The hon. member has expressed various views, and the board asked him to produce a practicable scheme, which he has entirely failed to do. He was in as good a position as anyone to do it, because he should be well in touch with wholesale, importing and reselling interests. It might be argued that it would be better to have a policy of *laissez faire* than something which will not work, but in point of fact we have taken steps to introduce a fair distribution of cotton piece goods throughout the country and among its inhabitants of all races—as fair a scheme as the wit of man, or at least of the particular men who happen to be on the Supply Board, could devise and, bearing in mind the utter impossibility of getting the co-operation of the trading interests which the hon. member and other hon. Indian members represent. That scheme is working. People do not like it; of course they do not. People naturally prefer to sell goods where they can get the best prices, controlled or otherwise, but the scheme does provide a rough and ready equity of distribution, and if the hon. member Mr. Pritam or any other can show me a good way and a practical way of dealing in detail with this supreme headache, the distribution of cotton piece goods, I shall be glad to know what it is.

The hon. member Mr. Mathu raised the question of freezing piece goods in order that Africans might get a fair

[Mr. Troughton] of what is going. That has been done by the Imports Controller in consultation with myself, and in several districts group buyers for African traders have been appointed with the help of district commissioners, and the scheme appears to be working fairly smoothly.

The hon. member Mr. Thakore asked that the Government should remove restrictions on the issue of traders' licences. That question was discussed by the Trade Advisory Board at its meeting the other day, where there was a sharp cleavage of opinion. I will not take up the time of the Council by going into detailed arguments on each side, but the matter will shortly be referred to you, sir, in Executive Council for a decision.

Perhaps I should say a word about the restriction on exports, a subject mentioned by the hon. Member for Nairobi North. We are just as anxious to get rid of restrictions on exports as we are to get rid of restrictions on imports, but unfortunately it is not just possible at the present moment. There are three reasons. In the first place, it is necessary to ensure that goods available for export go where they are most needed in the days of the Empire in these days of short supply. Secondly, it is necessary to control exports in order to use them as far as possible to secure those supplies of foreign currency which the Empire so badly needs. Thirdly, we must avoid exporting goods which we can get elsewhere—for example, there is an acute shortage of motor vehicles in this country and I gather that for an old Ford that you could not get more than £100 for here you would get something like £2,000 if it were exported to Persia. No doubt there would be many Ford owners who would be tempted, if there were no restrictions on export and shipping accommodation, to send their Fords to Persia. I should not blame them, but obviously it is in the public interest that they should not be allowed to do so, so that I am afraid we are sentenced to some perpetuation of restrictions on exports.

Price Control. I agree with the hon. Member for Nairobi South that as and when goods come into really free supply they should be decontrolled. In point of fact, that should happen automatically, because the function of the Price Control is to fix the maximum price above

which goods may not be sold, and if a particular class of goods comes into free supply the force of competition should normally be sufficient to depress the price below that maximum. But nobody seriously challenges the fact that Price Control, irritating though it may be to those whose profits it restricts, must continue for the present. The hon. Member for Nairobi North asked why certain schedules giving permitted margins of profit should have been amended recently when the old schedules had stood the test of time. It is just as necessary to maintain intensive price control now as at any other time, and if the Price Controller can see how in the interests of consumers price control can be tightened up then he would not be doing his duty if he did not take the necessary action to do it. In point of fact I understand that these particular schedules were discussed with the appropriate section of the Nairobi Chamber of Commerce before they were enacted.

The hon. Member for Nairobi North also asked whether it was true that officers were being engaged on three-year contracts for the Price Control Department. The answer is "Yes," but care has been taken to engage on this basis only officers who are likely to warrant employment so that the employment of officers on a contract basis in no way commits the Government to a perpetuation of Price Control beyond the earliest date on which it could be removed with safety to consumers. It is of the very greatest importance that the Price Control Department should get the best staff possible.

The Price Controller's salary. As the hon. Member for Nairobi North pointed out, that was increased last year from £1,050 to £1,500 with the consent of the Standing Finance Committee. Remembering that this post is a purely temporary one, in my view its responsibilities entirely justify a non-pensionable salary, entirely to justify a non-pensionable salary of £1,500 a year, and by controlling prices at reasonable levels the Price Controller has saved his salary, both to the general taxpayer and to individual consumers, over and over and over again. The salary of £1,050 was shockingly incommensurate with the responsibility of the post. Perhaps I might add here that for the first two years of the

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war—and they were probably the most difficult years for Price Control, getting the thing going and so on—the Price Controller worked for those two years without salary, to the detriment of his own personal finances. In my view this Country is under a very deep debt of gratitude to Mr. Grazebrook, and I am very glad to have heard that debt acknowledged by hon. members on the other side of Council.

The hon. Member for Nairobi North also referred to the recent organization of the Nairobi Regional Distribution Board. I do not propose to enter into the rights and wrongs of that reorganization, but I do agree that it would have been courteous if the hon. member had been consulted before any action was taken. Actually, the reorganization did achieve substantial economies, and I am informed that the six clerks to whom the hon. member referred were taken on purely temporarily to replace certain people who were sick, and their appointment did not last a month. On the question of the desirability of an inquiry, I might mention that Mr. Lindsay, the Provincial Commissioner, who is well known to hon. members of this Council, has been appointed chairman, or is being appointed chairman, of the Central Commodity Distribution Board, and I have asked him to take all possible steps to secure the maximum reduction in expenditure without delay. The Commodity Distribution Board has been roundly cursed. Anybody who has to impose restrictions on the public will always be roundly cursed, but I think we must admit that on the whole it has done a very valuable job, with very scratch staff, in ensuring fair distribution of the essentials of life among the consuming community generally.

Motor Vehicle Control. The hon. member Mr. Priam asked on what principle the Motor Vehicle Controller worked, and pointed out that in certain cases transport licences were granted but the Controller would not produce the vehicles. The granting of a transport licence in no way presupposes the availability of a vehicle. Transport licences are granted with reference to the needs of the country for transport, but motor vehicles are controlled with the object of ensuring that each motor vehicle, as

it becomes available, is given to the person whose need is greatest in the public interest and at a fair price. The Motor Vehicle Controller works his Control in accordance with priorities on these lines, and I do think that he has a thankless task. He has to say "No" nearly as often as I have!

Turning to one or two other trade matters. The hon. member Archdeacon Beecher and my hon. friend the Provincial Commissioner, Central Province, referred to the appointment of trade advisers in native areas. This matter was fully threshed out at a recent meeting of the Trade Advisory Committee, when the conclusion was reached that in present circumstances such appointments would serve very little useful purpose. The field of the colony is so great in this respect that one man, or even two, could do very little. It was felt that the best hope of progress lay in three directions—namely two directions to invite commercial organizations, such as the Chambers of Commerce, appoint reputable traders, panels of reputable traders, to whom individual African traders could be directed to apply for advice by district commissioners. Secondly, to invite the Nairobi Rotary Club to prepare a simple brochure of trade practice and trade matters generally with a view to its translation into African languages, and that it should be given wide distribution. Lastly, we decided to leave the rest of the headache to the new Economic and Commercial Adviser.

The hon. Member for Ukamba asked what provision was made in the Estimates for industrial development. The most important answer I can give possibly is the abolition of excess profits tax and the revision of the allowances for depreciation of capital assets. Provision is also made for a continuation of the Industrial Research Board, and I hope that it will be possible to invite this Council shortly to approve proposals for the perpetuation of the board on a permanent basis, with financial assistance from the other territories and from the Colonial Development and Welfare Vote. I have no desire at all to minimize the importance of industrial development. On the contrary, I would agree wholeheartedly with those hon. members who have stressed its very great import-

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ance in relieving pressure on the land and adding stability to the country's economy, but I do think that there is widespread misconception as to the actual scope of industrial development. Take the case of shoes, to which the hon. Member for Ukamba referred. He said that the East African population might consume six million pairs of shoes a year and thus give employment to something of the order of 17,000 Africans. The population of East Africa is round about twelve million, and sufficient statistics are available to indicate that the average spare cash income of those people is somewhere under Sh. 30 a year each. Those twelve million people with less than Sh. 30 a year each could not, I submit, afford to buy one pair of good shoes every two years until their incomes have been raised. Therefore we arrive at the fact that the necessary prerequisite of the kind of industrial development which the hon. member has in mind is the increase of primary wealth, whether that wealth is secured from the land or from the mines or elsewhere. Again we get back to the fundamental importance of the prices of primary produce and the volume of that produce.

Education. After the very full and frank statement by the hon. Acting Director, there is little for me to say, but I must say two things. First of all, in regard to fees for non-African education, I agree with those hon. members who consider that revision is necessary, and I hope that the matter will be examined thoroughly by the proposed committee of inquiry. I seem to have been misunderstood by the hon. Member for Nairobi North and the hon. Member for Uasin Gishu on the subject of the abolition of compulsory education. I can say quite categorically that the Government has not considered, and is not considering, the abolition or modification of compulsory education for non-Africans, but I must repeat what I did say, and that is that unless this country is prepared to see considerable annual increases in recurrent expenditure and to meet those increases, either by extra revenue from taxation or by additional fees or by a combination of the two, it will be necessary seriously to consider some modification of present legislation. The Colony cannot have compulsory education without meeting the bill.

African teachers' salaries is another matter. There is little to add to what the hon. Director said. Government is satisfied that revision is necessary, and proposals have now been formulated in consultation with Archdeacon Beecher and the Director which will cost less than half what the proposals of the Advisory Council cost, and they will very far short of those proposals, but they represent as far as I can advise you, Sir, to go at the moment. They will be discussed by the Standing Finance Committee.

On the Local Native Council side the hon. member Archdeacon Beecher referred to the embargo placed on the bringing of additional schools on to the aided list. For that I am responsible. Hon. members will have noticed an increase of £40,000 in the cost of African education. We know that that cost is rising rapidly, and I do not think that we should embark on further new commitments until we know exactly where we are heading and how the cost is going to be met. It is true that in present circumstances the burden of elementary education falls on the Local Native Councils; it is equally true that the finances of the Local Native Councils are seriously strained, so that if they assume additional responsibility it would obviously be necessary for Government to help them out.

Pensions. It is perfectly true, as the hon. and venerable member said, that there are no proper pension schemes for African employees of local authorities in native areas. It is also true that a draft bill to deal with the matter has been prepared and I hope will come up before this Council in due time, but it is also true that there has been really nothing to prevent any local authority that was minded to do so from proceeding with its own provident fund scheme at any time for its own employees. A provident fund is a relatively simple thing, it involves no particularly complicated accounting, and the fact that no such schemes have been introduced or mooted by local authorities can hardly be the responsibility of the central Government.

The hon. member also referred to the compensation paid to Government employees who were injured in the course of their duty, and I was answered this morning by the hon. and learned Attorney General. I can add little to that



[Mr. Troughton] answer. As the hon. and venerable member knows, I entirely share his view that the compensation is inadequate, and two or three alternative proposals have been discussed by the hon. member and myself and have been ventilated in the Standing Finance Committee. The Standing Finance Committee recommended that the Labour Advisory Board should be asked to advise. Probably that has not yet reached the hon. and learned Attorney General, but that is the position. I do think that the inadequate compensation paid to Government employees who are killed or injured in the course of their duty represents a very real grievance.

Now I turn to a variety of miscellaneous matters. The hon. member Mr. Pritam asked about the policy of the Industrial Management Board and the industries managed by that body. There is nothing I can usefully add to the reply which I gave in answer to a question in this Council some time ago, when I said that sufficient information regarding production and costs was not available to warrant the Government disposing of them in the immediate future, but that it was proposed to consider disposing of them after two years, and that they would be disposed of bearing in mind the interests of the taxpayers on the one hand and the importance of perpetuating them as permanent industries on the other. The hon. member, I can assure him, is entirely wrong. It is absolute nonsense to suggest that these industries are being kept on to provide cushy jobs for the staff who are running them. I hope that when the industries are wound up it will be found that they have served a very useful purpose in providing goods here in short supply and at very little, if any, net cost to the taxpayer.

Maize Control. The hon. Member for Trans Nzola spotted £80,000 in the revenue estimates but could not find the opposite expenditure item. He is quite right; there is no opposite expenditure item. The figure of £80,000 represents the net profit of the Maize Control during 1945 to be credited to revenue in 1946. But—hear the hon. member whistle!—there is a corresponding expenditure item of a different character. I refer to the item under War Expenditure, Civil, entitled "Reduction in cost of foodstuffs,"

under which is met expenses of the Cereals Pool, which is closely bound up with Maize Control. Our share of those expenses this year amounts to £140,000, so that if you take off the £80,000 profit you find that the estimates represent a net subsidy of £60,000 to the cereal consumer.

The hon. Member for Rift Valley asked what the position was about the 1944-45 and 1945-46 Cereals Pools. As regards the 1944-45 pool, the position is that no importations were necessary, but high-priced local cereals had to be used, namely wheat, and the cost of maintaining reserves and turning them over three times a year came to something of the order of £200,000, of which our share (some of it was inter-territorial) came to about £140,000. No allocation of this has yet been made among the participants. With regard to the 1945-46 pool, a loss will again be sustained in maintaining reserves, and we have inserted a figure of £100,000 in the Draft Estimates. Whether that represents a close approximation or not I do not know. It is difficult to estimate these accurately.

I should like to say this, that I do feel that Kenya has been paying too large a share of the cost of this pool (hear, hear), and the question of a revision of the basis has been taken up with the Production and Supply Council, and I sincerely hope that we will achieve a substantial reduction in the amount falling on the Kenya taxpayer.

The hon. Member for Uasin Gishu, I think it was, asked where we were heading for in respect of medical services, and I am indebted to the hon. Acting Director of Medical Services for a very lucid explanation of the increases in the present estimates. I do feel that the future financing of the medical services is a matter which requires very careful examination, and I hope it will be fully discussed by the Standing Finance Committee. The hon. member also referred to the substantial increase under local transport and travelling. I have not worked it out myself but I do not challenge his figures. A very small proportion of this increase is due to the need for increased travelling, and I do not suppose any hon. member of the Council would challenge the fact that a lot of people in this country who have to carry

[Mr. Troughton] out their duties efficiently must travel, and quite a lot, but the lion's share of this increase is due to the increase in the rates, for which my hon. friend has his share of responsibility, because it was approved by the Standing Finance Committee.

There was a remarkable request by an hon. member, who asked why the Draft Estimates of Revenue and Expenditure were not on sale. Frankly, after dealing with the Estimates for a number of years, I have never envisaged them in the capacity of a best seller. (Laughter.) However, steps will be taken next year to have a number on sale at a reasonable price, which I hope will bring in some revenue, and we can see how they go.

The hon. Member for Nairobi South asked for an explanation of the difference between the figure of £500,000 on page seven of the Estimates, representing the difference between receipts and expenditure in connexion with widows' and orphans' pensions, and the figure of £800,000 which I gave in answer to a question. The answer is that both figures are right. The £500,000 figure is what it means, namely, the excess of the total contributions over total payments, showing in fact the extent to which the general revenue balance has benefited; the £800,000 represents the assessment of the full contingent liabilities taking into account compound interest on these contributions throughout the year.

MR. VINCENT: On a point of explanation, this is headed "The following major contingent liabilities have not been taken into consideration." Therefore, if £800,000 is one, that £800,000 should be there, in my opinion.

MR. TROUGHTON: The hon. member is right and wrong. To traverse his argument I must go back to the history of page seven. It was introduced into the Estimates a year or two ago at the instance of the hon. member himself, and he asked that as this was a contingent liability we should show the difference between the total revenue accruing and the total expenditure incurred. If he wishes the interest to be taken into account I will gladly do so. This was done at his request two or three years ago, and he cannot deny it. My hon.

friend also referred to the terms of service for labour officers, and he has been answered by the hon. Member for Uasin Gishu. As the hon. Member for Nyanza pointed out, one has got to be terribly careful in dealing with terms of service matters because of the repercussions on other people. It would be a most dangerous thing for labour officers to be placed on overseas terms of service—it would have very serious repercussions throughout the whole of the European Civil Service, and ultimately lead to a very great increase in recurrent expenditure and in various commitments. It is not a course that I could advise you, sir, to adopt.

Information Office. I should like to express agreement with those hon. members who have said that the European and Indian sections should be abolished or virtually so, and that the Office should concentrate on African affairs. Proposals to this end have already been submitted by the Information Officer, and will be put before the Standing Finance Committee. I think I mentioned them in my opening remarks, and they should lead to a considerable reduction in expenditure.

My hon. friend the Member for the Coast—who, incidentally, treated me with surprising leniency as a fellow-Irishman—did raise one or two points that I wish to refer to. The first was the salary of the Conservator of Forests. The salary has not been reduced at all. The fact is that Mr. Rammell's promotion will not be effective until the beginning of February because of overlapping with Mr. Gardner's leave, so that provision is only made for 11 months of the year. So far as the Commissioner of Prisons is concerned, the hon. member has already been answered. My hon. friend also asked that we should publish a list of the temporary posts showing salaries, holders, and so on. I think that would be a waste of time, money, and paper. There are a number of these posts, and they come and go, the holders come and the holders go. What is true to-day is not true to-morrow, and I suggest that any such list would be out of date and serve no useful purpose very shortly after it had been printed. I would, however, say this. All these posts are on temporary terms and on salaries approved in my office.

MR. COOKE: Are there any hidden emoluments attached to any particular salaries in the way of leave conditions, medical attention, and so on? That is a point I made as well.

MR. TROUGHTON: Hidden emoluments—these people are eligible for, but not entitled to, leave at the rate of two and a half days for each month of continuous service, and that is only granted in approved cases, and there is no entitlement. So far as medical attention is concerned, they are eligible for such medical attention as Government medical officers can conveniently provide, though not normally for attention in their own quarters. They are not, of course, eligible for passages. They are not entitled to house allowance. They are eligible in certain cases for war bonus.

MR. COOKE: On a point of explanation I understand that at least one is eligible for passage and house allowance. Am I wrong in that supposition?

MR. TROUGHTON: Without notice I should hate to be categorical. Yes, I think it is true, and the person whom we were discussing a little earlier has in special circumstances been granted eligibility for leave and passage.

MR. COOKE: Is not the public entitled to know, and civil servants who feel a sense of grievance, what these hidden emoluments are and who are receiving them?

MR. TROUGHTON: The hon. member cannot expect detailed answers to questions of detail across the table, but I shall be happy to go into any case he likes to put up. So far as I am aware, with one possible exception, all of these people have these temporary terms without hidden emoluments, but if there is any particular case concerning which members of the Civil Service or the hon. member is aggrieved, if he gives me the details I will go into the matter.

MR. COOKE: I do not think the hon. member is very frank, because I gave him nearly three weeks' notice about this question, and he is not entitled to turn it aside with such levity, because it is a matter of a certain amount of grievance among regular civil servants and should be published.

MR. TROUGHTON: In answer to the hon. member's interruption, I have not the slightest recollection of any particular conversation that we had three weeks ago. Possibly at the time I was more concerned with the lighter things of life!

MR. COOKE: It was in this Council.

MR. TROUGHTON: I must have had some other preoccupation on my mind, which was not unnatural.

MR. VINCENT: Probably over police-men!

MR. TROUGHTON: The hon. member for Trans Nzoia stressed that terms of service should not be put permanently to deal with the need of attracting officers with military service. The terms of service are being left unaltered, but people are being engaged on the salary scales at points which take into account their war service. That is a policy which has been adopted throughout the Empire. Regarding Asian terms of service generally, it is the intention of the Government to reconvene the Webster Committee under the chairmanship of the Accountant General. The hon. member Mr. Patel took me to task because he had me in the Secretariat some time ago and I said that I did not know anything about it. That was true. I had not been, and long in my present post at the time, and as it happened the question of the investigation had not been brought to my notice. I found out that it was perfectly true that at that time Mr. Webster himself was in correspondence with my office about the question of this particular committee. The committee is being reconvened with terms of reference which will cover the main outstanding grievances of the Asian Civil Service which have not been dealt with in Mr. Hill's investigations. It will not, I am afraid, be possible for that committee, although reconvened, to begin its deliberations in the immediate future, though I hope it will be possible to do so fairly early in the New Year. The reason for the delay is staff difficulties. The inquiry is a very important one. There are some quite important grievances to be dealt with, and I think it is undesirable to rush the inquiry at a time when staff difficulties prevent it making a really thorough investigation.

(Mr. Troughton)

Basic road grants. I do not think there is any need for me to say anything about this; the question can be considered by the Standing Finance Committee.

Sugar subsidy. This, as the hon. Member for Agriculture said, is a complicated matter, and the sugar subsidy is linked with corresponding revenue in the way of the sugar consumption tax. The fact is this, briefly, that the cost of the production of sugar here in this colony is rather more than that it is in Uganda, and to have a different market price here would result in the illicit movement of Uganda sugar across into Kenya in order to get the higher price. Therefore, in the interests of the control of the movement of sugar, which is in very short supply throughout the whole of the Empire, it was decided that the best thing was to keep the consumer price in Kenya on a par with the consumer price in Uganda, and make up any difference to the Kenya producer by a subsidy, which is recovered by a tax on sugar consumed in the Colony, irrespective whether that sugar is imported from Uganda or is grown in Kenya. That is, I am afraid, a superficial explanation of a complicated matter, but the two sides, revenue and expenditure, are linked up, and there is no real economy by abolishing that subsidy because we should have to take off the consumption tax as well.

Nairobi evening continuation classes. I regret to say that the file on this subject is on my table in the Secretariat. I saw it to-day, and have not had a chance of cracking at it, but I do view with sympathy the desire of the hon. Member for Nairobi North that the Municipal Council should extend their evening continuation classes, and I hope that some measure of Government assistance will be possible. But I should say straight away that I do not think that the Government should bear any very large share, because, in fact, these Nairobi evening continuation classes very largely benefit the inhabitants of the town of Nairobi itself and not to the same extent the country as a whole. A contribution is proper, but I do not think any very large contribution would be justified.

MR. VASEY: My point was that the Municipal Council was not an education authority.

MR. TROUGHTON: I am aware of the fact that the Council is not an education authority, but, nevertheless, Nairobi Municipal Council sponsored these classes in an extremely public-spirited manner (laughter) under the wise guidance of His Worship the Mayor!

I am afraid that I have spoken for a long time. As this is, I hope, the last time I shall address Council this year, I want to add one thing. Whether hon. members think that this budget is a good budget or a middling budget or a shocking budget, the fact is that it has involved a very great deal of hard work, and some of that work had to be done in a hurry, as it always happens that we can never have a budget without hurry. The hon.'s share of that work has fallen on one person, the one person who normally acts as clerk to this Council, Mr. K. W. Simmonds (Hear, hear). Mr. Simmonds has put in an unbelievable amount of work during the last few months, and all that work has been discharged with great efficiency, great zeal, great reliability and, above all, with unfailing cheerfulness. (Applause.)

I said in my opening remarks that this budget represented the paring of the ways, and that there were two courses before this Colony—one, to mark time and to cut down expenditure, to incur no capital expenditure, to reduce taxation, not to bother about "have the soil" or anything else; or two, the other course—to take chances by putting every penny we can into development and reconstruction, to watch expenditure to avoid waste, to make productive expenditure. That sir, represents the principles behind this budget, and with those principles in mind I commend this budget to the detailed attention of the Standing Finance Committee. (Applause.)

The question was put and carried.

#### ADJOURNMENT

Council adjourned at 4.15 p.m. until a date to be notified. (This was subsequently notified to be Thursday, 20th December, 1945, at 10 a.m.)

Thursday, 20th December, 1945

Council, assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 20th December, 1945. His Excellency the Acting Governor (Hon. G. M. Reanie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### ADMINISTRATION OF OATH

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

Director of Medical Services (Dr. N. M. MacLennan); K. G. Lindsay, Esq., O.B.E., Acting Deputy Chief Secretary; V. R. Merttens, Esq., Acting Commissioner of Inland Revenue.

#### COMMUNICATION FROM THE CHAIR

##### DEPARTURE OF GOVERNOR ON LEAVE

HIS EXCELLENCY: Hon. members are aware that His Excellency the Governor has been obliged on account of ill-health to go on leave sooner than he expected. As His Excellency explained in his recent message to the Association of Chambers of Commerce and Industry of Eastern Africa, he has had no holiday since 1917 and something of a battering in the war, and the machine is now run down, so he has been ordered by his medical advisers complete and immediate rest for a period of three months, and he left for the Union of South Africa on the 14th December. Hon. members will, I am sure, join with me in sending His Excellency our best wishes for a speedy restoration of his health. (Hear, hear.)

#### MINUTES

The minutes of the meeting of 30th November, 1945, were confirmed.

#### PAPERS LAID

MR. SURRIDGE: Your Excellency, I beg to lay on the table the report of the Standing Finance Committee on the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946, and the Draft Schedule of Loan Expenditure.

This report, it is proposed, shall be debated on the 9th January, 1946. I regret that the length of the report made it quite impossible to have it read

for to-day's meeting, but it will be sent to members as soon as possible after Christmas.

#### ORAL ANSWERS TO QUESTIONS

##### No. 134—ARMY RELEASES

MR. WRIGHT:

Is Government aware that East Africans who volunteered in the early days of the war and were subsequently required by Government and released under what is known as Group B are now in the anomalous position that, although their age and service group is long past, they have not been granted their discharge? It should be noted that this also means they continue to be liable to the man power restrictions even although they have only temporary Government jobs and cannot therefore be in a position to seek permanent employment.

2. That such officers—or at least one—were not informed on accepting Government employment that they would lose civilian clothing allowance (£15) and 52 days' leave pay?

3. That such officers have not yet received the gratuity due to them, although such gratuity has been paid to others who joined the forces later and have since been discharged under their age and service group?

MR. SURRIDGE: The answer to the first part of the question is in the affirmative. It is pointed out that what are known as "B" releases only commenced on the 18th June, 1945, i.e. when releases under Age and Service Groups started. The equivalent of a "B" release before that date was known as an "Industrial" release. No instructions have yet been received from the War Office regarding the discharge of "B" and "Industrial" releases, but a satisfactory statement regarding their special liability to recall to the Army has now been issued by Headquarters, East Africa Command. It should be noted that general demobilization has not yet been ordered and that until such time as it is ordered all Service men and women released in classes "A", "B" and "Industrial" remain generally liable to recall to the Services.

As regards liability to man power restrictions, all persons in reserved occupations are liable to the Defence

(Mr. Surridge) (Reserved Occupations) Regulations, 1941, and will continue to be so liable as long as these Regulations remain in force or until they are amended. Men and women in "B" and "Industrial" release categories are in no different position in this connexion from those in "A" release category who take up employment in reserved occupations. The date of release from the Services has no bearing on the matter. While the Director of Man Power gives sympathetic consideration to all applications for release from reserved occupations he has always to bear in mind the national interest.

The answer to the second part of the question is also in the affirmative. No statement could have been made to the effect that anybody would or would not receive release benefits until the receipt of the Regulations for Release from the Army, 1945, which was published in February this year. These Regulations covered the procedure to be adopted after cessation of hostilities in Europe. In practice they came into force on the 18th June, 1945. (A measure of doubt as to entitlement might reasonably have existed only in the case of a man granted an "Industrial" release between 8th May and 18th June, 1945, i.e. between the cessation of hostilities in Europe and the bringing into force of the said Regulations.)

The answer to the third part of the question is also in the affirmative, but a statement has just been issued by Command Headquarters to the effect that all outstanding release benefits are to be paid forthwith.

##### No. 136—SHIHIRI ARABS

ARCHDEACON BEECHER:

Will Government please state—

- the number of Shihiri Arabs who have entered and left this country each year for the last three years for which figures are available;
- the number of trading licences and hawkers' and peddlers' licences issued to such persons each year for the same period;
- the estimated present population of Shihiri Arabs in Mombasa;
- whether the conditions at present prevailing in Mombasa indicate

that any immigration restrictions in excess of those at present in force need to be applied to this community?

MR. SURRIDGE: (a) The numbers of Shihiri Arabs entering and leaving the Colony during 1943, 1944 and 1945 (from 1st of January to 30th of September) are, so far as can be ascertained, as follows:—

	IMMIGRATION		
	Males.	Females.	Total.
1943	986	144	1,130
1944	1,192	242	1,434
1945 (1 Jan. to 30 Sept.)	2,100	435	2,535

	EMIGRATION		
	Males.	Females.	Total.
1943	380	76	456
1944	286	84	370
1945 (1 Jan. to 30 Sept.)	603	107	710

(b) Since the race of the licensee is not recorded on Trading, Hawkers' and Peddlers' Licences, no figures are available.

(c) The estimated population of Shihiri Arabs in Mombasa is about 12,000.

(d) The existing immigration legislation is regarded as adequate, but it must be admitted that in practice considerable difficulty is experienced in enforcing the law. During the past few years conditions in Southern Arabia have resulted in numbers of dhows, many of them seriously overloaded, sailing for East Africa without the consent of either the Government or the Government of Aden.

As will be seen from the figures given under (a), the influx in the first nine months of this year was particularly large. Entry permits were issued to such of these immigrants as could comply with the provisions of the relevant legislation. With regard to the remainder, all of whom were prohibited immigrants, those who could make a deposit of £10 were granted embarkation permits and allowed to land until such time as return passages became available; those who could not make the deposit were not allowed to land.

The Government of Aden has again been approached and it is hoped to pre-

(Mr. Surridge) vent a further influx during the next dhow season.

ARCHDEACON BELCHER: Arising out of that reply in view of the serious menace to the public health in the circumstances set out by the hon. Acting Chief Secretary, will Government give a guarantee that every possible effort will be made to tighten up these regulations and deal with this very alarming situation?

MR. SURRIDGE: Every effort will be made by Government to deal with the alarming position. I agree.

#### NO. 141—PASSAGES

MR. TRENCH:

1. Is Government aware that the *He de France* arrived at Mombasa with many empty berths?

2. That the present system of allocating passages and ensuring that all available berths are filled is thoroughly unsatisfactory?

3. As a consequence, will Government please make further representations on this matter to the Colonial Office, as it is understood on good authority that the *He de France* is no isolated instance?

MR. SURRIDGE: The answer to the first part of the question is in the affirmative.

In view of the reply to the first part of the question it does not appear that the system in the United Kingdom for the allocation of passages is thoroughly satisfactory.

The action requested in the last part of the question has already been taken.

#### NO. 142—TEMPORARY AFRICAN STAFF

ARCHDEACON BELCHER:

(a) Will Government please state the number of temporary African staff in the employ of Government who have been in such employment for (i) three years or more (ii) two years and less than three, (iii) one year and less than two, (iv) less than 1 year?

(b) What prospects have such temporary employees of absorption into the permanent staff?

(c) What salaries have been paid to such employees relative to permanent African staff?

(d) What other privileges by way of leave, housing, war bonus, etc., have been accorded to such employees?

(e) Do the replies to (c) and (d) indicate that temporary African employees of Government have been treated less generously than Government's temporary employees of other races?

(f) If the reply to (e) is in the affirmative, or if the replies to (c) and (d) indicate that they have been less well treated than permanent African employees, will Government please indicate what steps will be taken immediately to redress this injustice?

MR. SURRIDGE: On the assumption that the reference is to temporary African staff employed in posts scheduled in the African Civil Service, the following are the answers to the inquiries in the question—

(a) These particulars are not available and could only be obtained by a great deal of research on the part of Government Departments. In these circumstances and owing to lack of staff, it is regretted that it is not possible to comply with the request.

(b) Temporary African staff have a reasonable prospect, subject to the possession of the requisite qualifications and satisfactory service, of being absorbed into the permanent staff as and when vacancies occur and members of such staff are frequently so absorbed.

(c) Salaries paid to Africans on temporary terms are normally equal to those enjoyed by Africans engaged in permanent service. Moreover, it should be borne in mind that in addition to salary such staff are eligible for housing privileges and war bonus as explained below. These privileges are not normally granted to temporary European and Asian employees.

(d) As regards leave, provision already exists in the Code of Regulations for the grant of leave to members of the African staff, irrespective of whether they are permanent or temporary, other than those serving on the terms and conditions of service applicable to the Arab and African Clerical Service or the African Civil Service for whom separate regulations exist. Such leave is granted at the rate of two months in three years.

(Mr. Surridge) but cannot be accumulated beyond two months. These terms, however, are at present under review.

As regards housing, except where the monthly salary of any employee has been determined after taking into account the element of housing and such monthly salary does not exceed Sh. 100, the Government provides temporary employees with free quarters or pays an allowance in lieu. In other cases no allowance is normally provided nor is an housing paid, since an element for housing is included in the salary.

As regards war bonus, African staff serving on temporary terms are eligible for war bonus which, in the lower salary groups, takes the form of rations.

No distinction between permanent and temporary staff exists in respect of other privileges except for contributions to the Provident Fund which, as the hon. member is aware, are confined to employees serving on African Civil Service terms and to holders of such posts as are published in the Official Gazette. Temporary staff are eligible for a gratuity in circumstances provided for in paragraph 900 of the Code of Regulations.

(e) The answer is in the negative.

(f) In view of the answers to (c), (d) and (e), this question does not arise.

#### NO. 143—EMIGRATION AND IMMIGRATION

MR. PRITAM:

Arising out of Government's reply to Question No. 138, will Government please state the number of Europeans and Indians who entered into and departed from Kenya through Mombasa and Kilindini from the date the Defence (Admission of Male Persons) Regulations, 1944, came into force till 30th November, 1945?

MR. SURRIDGE: (1) Europeans entering the Colony through Mombasa and Kilindini during period referred to:—

Males .. .. .	1,057
Females .. .. .	1,016
Total .. .. .	2,073

(2) Europeans leaving the Colony through Mombasa and Kilindini during period referred to:—

Males .. .. .	1,099
Females .. .. .	1,344
Total .. .. .	2,443

(3) Indians entering the Colony through Mombasa and Kilindini during period referred to:—

Males .. .. .	6,317
Females .. .. .	3,827
Total .. .. .	10,144

(4) Indians leaving the Colony through Mombasa and Kilindini during period referred to:—

Males .. .. .	7,572
Females .. .. .	2,707
Total .. .. .	10,279

#### NO. 150—NON-NATIVE CENSUS

MR. NICOL:

Will Government inform Council if the non-native census called for by the Director of Statistics is in anticipation of the arrival of Sir Wilfrid Woods? If the answer is in the affirmative, why has not similar information been called for by Tanganyika Territory and Uganda? If the answer is in the negative for what purpose has this information been called for?

MR. MUNDY: The reply to the first part of the hon. member's question is in the negative.

A non-native census is being undertaken in order to implement Recommendation (1) of the Interim Report on Development, namely that statistics of the National Income should be compiled regularly, and that such compilation should be regarded as a basic statistical service.

MR. NICOL: In view of the fact that I consider that reply unsatisfactory, I was going to give notice of a motion, but I should like an opportunity of discussing the matter with the hon. member after we adjourn.

MR. MUNDY: I shall be very glad to see the hon. member on this point. (Laughter.)

## ENTERTAINMENTS TAX ORDINANCE, 1931

### CONTINUATION OF

MR. MUNDY: Your Excellency, I beg to move: That the Entertainments Tax Ordinance, 1931, be continued in force until 31st December, 1946.

This Ordinance was enacted in 1931 and provides for the collection of entertainments tax in 1932 only. It is still in force, and has in fact been continued every year since by resolution of this Council, and it is proposed to continue it in force during 1946. The rates of the tax are pre-war rates, and it is estimated they will yield about £25,000 during the current year, and £20,000 in the Estimates for 1946.

MR. FOSTER SUTTON seconded.

The question was put and carried.

## STANDING RULES AND ORDERS SUSPENDED

MR. FOSTER SUTTON moved, with permission of His Excellency under No. 108, that Standing Rules and Orders be suspended to enable the following bills to be taken through all their stages at this sitting: The 1946 Appropriation Bill, the Excess Profits Tax (Amendment) Bill, and the Personal Tax (Amendment) Bill.

MR. SURRIDGE seconded.

MR. COULDRAY: Sir, I beg to oppose the suspension of Standing Orders, as regards the 1946 Appropriation Bill, for this reason. It deals with about 10½ million pounds of money, it is placed on our desks for the first time this morning, with no qualification or statement that the amounts might be varied as a result of the debate to take place subsequently. I think it is entirely unfair to ask the Council to pass through all its stages by suspension of Standing Orders for this purpose a bill involving this tremendous amount of money without such qualification as I have suggested.

MR. FOSTER SUTTON: Sir, I understand that the procedure has been to pass this Appropriation Bill, Government giving a definite undertaking that if any terms are varied when the Standing Finance Committee report is considered by Council, an amending bill will be intro-

duced. That is the undertaking given on every occasion.

HIS EXCELLENCY: I think the hon. member was absent when I explained that that procedure would be adopted. I explained that on the 30th November, soon after the hon. member had departed for Kisumu.

MR. SHAMSUD-DEEN: I must also express surprise or inability to understand the attempt to short circuit the debate in this Council on the report of the Standing Finance Committee. There are so many other things that in anticipation of the discussion of that report have already been adopted and put into practice.

The question was put and carried.

Standing Rules and Orders were suspended.

## BILLS

### FIRST READINGS

On motion of Mr. Foster Sutton, the 1946 Appropriation Bill, the Excess Profits Tax (Amendment) Bill, and the Personal Tax (Amendment) Bill were read a first time.

### 1946 APPROPRIATION BILL

#### SECOND READING

MR. SURRIDGE: Your Excellency, I beg to move: That the 1946 Appropriation Bill be read a second time.

As hon. members are aware, it is necessary to obtain the approval of the Council to any public expenditure incurred after 1st January, 1946, and this bill is to give us the necessary authority. The figures in the schedule are based on the Estimates as amended by the recommendations of the Standing Finance Committee but, as already explained by the hon. Attorney General, Government undertakes if, as a result of the debate on the Committee's report any amendments or alterations are agreed to by Council, the necessary amending ordinance will be introduced forthwith.

MR. FOSTER SUTTON seconded.

MR. COULDRAY: Sir, I beg to oppose this on the ground that the undertaking which has just been given by the hon. Attorney General should have been contained in the bill. Whatever may happen, if we pass this bill through all its stages to-day it becomes law. It may in the past

[Mr. Couldray]

have been reasonably expedient—I am not suggesting it is at all likely—that Government have gone back on the assurance given us. I do not think it likely on this occasion, but there have been cases, and we are in effect passing a budget for one year in a short five minutes. I am fully accepting the assurance, but I must oppose the motion, because I believe that should an occasion arise like this next year the bill itself should contain some such assurance as has been given by the hon. member.

MR. FOSTER SUTTON: Sir, I should like to point out that even if a clause contained that assurance it would not be worth any more than the assurance given orally (MR. COULDRAY: Why?) Because Government would have to introduce legislation in any event. (MR. COULDRAY: This is for the whole year.)

The question was put and carried.

## EXCESS PROFITS TAX (AMEND- MENT) BILL

### SECOND READING

MR. MUNDY: Your Excellency, I beg to move: That the Excess Profits Tax (Amendment) Bill be read a second time.

This is a short bill to deal with the first stage in the winding up of the excess profits tax, and identical bills have already been passed in the other three East African territories. I propose first of all to deal with the three least important clauses of the bill and leave clause 3 until the last because I think that is a clause of the greatest importance.

Clause 2 deals with businesses which are carried on by the Custodian of Enemy Property. Under the principal ordinance, all businesses which are carried on by one person must be treated as one business for the purpose of the tax. That was never intended to apply to businesses carried on by the Custodian during the war. He may have 50 to 60 businesses which belong to separate individuals, and they should be treated separately for the purposes of this tax.

This clause therefore amends section 4 of the principal ordinance to make it clear that the liability attaches to the business in accordance with the original ownership.

Clause 4 proposes to import into the East African excess profits tax laws two sections from the United Kingdom Ordinance to prevent the avoidance of payment of the excess profits tax by entering into certain transactions. It has been found in the United Kingdom that there are a number of transactions which can be entered into which have the effect of avoiding or reducing the amount of tax payable, and as a result a section was passed in 1941, section 35 of the 1941 Finance Act, which attempted to prevent these transactions. That had to be strengthened again by section 33 of the Finance Act of 1944. Briefly, the effect is that if transactions are entered into of which the main benefit or the main purpose is the reduction of the tax, then the Commissioner may give directions to counteract that avoidance or reduction—if those directions are not accepted, and this is important, there is the full right of appeal to the local committee or high court on the question. I would say that the reasons for introducing this section into East African legislation are two. The first is that there are a number of businesses which are liable both to United Kingdom excess profits tax and Kenya excess profits tax. If the corresponding section in the United Kingdom is applied to it, it is computing the United Kingdom tax. It follows that here we should be able to apply a similar provision, so that we shall get our share of the tax which is collected. Secondly, it is a fact that a number of people are entering into these transactions with the sole object of evading the tax, and I fear that must be stopped. There is the full right of appeal, it is not a matter left to the discretion of the Commissioner, and a person can go as far as the high court if necessary.

The second part of clause 4 proposes to introduce a new section requiring traders to prepare a schedule of their trading stock as at the end of their final accounting period. That schedule must be prepared to show stock at cost price. If, however, the cost price cannot be ascertained accurately, then the Commissioner may decide the method of arriving at cost. A very good instance of that is petrol stocks, where they are poured into a tank as they arrive, and if the price is varied it would be quite

(Mr. Mundy)

impossible to say how much was bought at one price and how much at another. There is a second proviso, that the Commissioner may at his discretion relieve anybody from the obligation of preparing a separate schedule of stock at cost price. That is the effect of this proposed section. The reason for it is that I, personally, have been amazed at the sort of stock sheets some important businesses here keep. I have seen stock sheets made on foolscap sheets of paper in pencil, not properly totalled, and it is essential when it comes to the termination of excess profits tax to be quite sure the final stock sheet is a proper and accurate one. I would emphasize that even though the schedule has to be prepared at cost, that does not mean that the cost price must be adopted for the purpose of the trading account of the business. If the cost price is wrong, and an adjustment of that value is a proper one for the trading account, it does leave the Inland Revenue Department in the position that they can compare the cost price with the actual stock-taking and see whether a reduction in the value of the stock is fully justified. There is then the proviso that the schedule may be dispensed with. Many businesses do in fact keep proper stock lists, properly written up in detail, in a permanent form. In cases of that kind the discretion proposed in the proviso will be freely exercised, so long as the records are full, complete, and reliable. One other point regarding that clause. It may be necessary later on—I hope it will not—to provide some relief in respect of stocks on hand at the end of the excess profits tax if the market price falls sharply. If that should become necessary, these schedules which it is proposed to require under this clause would be of the greatest value, to enable those claims to be dealt with.

That brings me to the last clause, 3, which is the clause which brings the assessment and collection of the excess profits tax to an end. It is proposed to amend section 5 of the principal ordinance. Section 5 lays down the period during which excess profits tax shall be collected. As it stands, the tax is chargeable on excess profits which arise after the 1st July, 1940, and there is no limit except in section 22 which brings the ordinance itself to an end. It is proposed

to amend section 5 to say that the profits liable to tax shall be those which arise from 1st July, 1940, to 31st December, 1945. That is a perfectly clear statement which can be understood. There are two provisos to that. One is that the person carrying on a business may elect that the chargeable period shall run on to 31st December, 1946, if he wishes. The reason for that is that if during 1946 he makes a loss or deficiency below his pre-war standard and wishes to claim relief, it is within his power to elect that the period shall be a chargeable accounting period and claim relief from tax for that year. There must necessarily be a second proviso, that if the business ceases during 1946 there shall be a final date, and it must be the date on which the business ceases. One very important point arising out of that clause. Section 42 of the principal ordinance already provides that the ordinance shall expire on the 30th June or 31st December after the date on which the war is declared to be at an end, yet Government has decided to introduce this bill to bring the tax to an end at 31st December, 1945, whereas all other war taxes are going on on a war basis. I think that is a very important question. It has already been mentioned in this Council that relief has been given to excess profits tax payers, presumably the wealthy class, and nothing has been given to the poorer people, and I think the reasons for that ought to be answered.

I would not want anyone to think that Kenya has got rid of this excess profits tax merely as a means of increasing the private wealth of its private individuals, and I think it very important that I should say something on that question. Excess profits tax is a war tax, it is not suited to peace time. It is very often harsh in its effect, and it can be clearly distinguished from income tax; it will not, in my opinion, fit, and no one has ever suggested it should fit into peacetime economy. I think a number of people do not appreciate that if this tax is brought to an end on 31st December this year, there will still be a very substantial sum of money to be paid during 1946, and possibly 1947. The tax will be payable on the profits of the year 1945, it will be several months before most people get their balance sheets and trading accounts out. The figures of

(Mr. Mundy)

liability will then have to be agreed, and it is quite likely that the payers of this tax will still, in fact, be drawing cheques for it right up to the middle of 1947. In addition to that, the people who are paying this tax have very large obligations in the way of deferred repairs, renewals of plant and premises, commitments for leave pay, passages, and so on, all of which have to be taken into account to get a picture of their affairs, and during 1946, and I hope 1947, when supplies may become available, there will be very heavy cash commitments in most of those businesses which will have to fall free! No doubt prices will have to fall to the lower post-war levels, whatever they may be, and it will be, I have no doubt, an anxious time for traders in adjusting themselves to new conditions, and if they have a little spare cash by them it will be all to the good.

In the light of what I have said, we can look back on the experience of the last war when excess profits duty was in force in the United Kingdom. That tax was continued until 31st December, 1920, two years after the war had finished and before it had terminated we saw the worst effects of the first world slump. Tax was due for 1919 and 1920 at a time when the slump came along, and I personally saw vast sums of tax outstanding which could not be paid. I myself had trading stock offered me in settlement of excess profits tax, and the obligation or liability to that tax which was outstanding in early 1921 and 1922 contributed very seriously to the trade disaster of that era. I consider that if Government has to decide when this tax shall come off, it cannot possibly be expected to choose exactly the right date, but I think I can say that if it leaves it on too long it creates a very serious risk of creating a disaster to this Colony. On the other hand, if it takes it off too early, it may be that some people will retain a little tax which they ought to have paid into revenue. Of those two alternatives, I feel there can be no question that the policy of Government in deciding to abolish this tax at the 31st December this year is the right and proper one. (Hear, hear.)

I should like to add one word on the other side of the picture. I regard this as a contribution towards post-war develop-

ment and prosperity. Industry, commerce and the professions have already made a substantial cash contribution to the post-war development in the shape of the excess profits tax fund which is now well over 2½ million pounds. It is sometimes said that profits were earned very easily. I do not agree. There has been a tremendous amount of hard work put into it, and it is to the people who made those profits that we must look in post-war years to develop this Colony. I regard the abolition of this tax as part of Government's policy which recognizes the part which has to be played in the development and prosperity of this Colony by private enterprise. (Hear, hear.)

MR. FOSTER SUTTON seconded.

MR. VASEY: Your Excellency, I have listened to the exposition of the hon. Acting Financial Secretary with great interest and with a large measure of agreement. There is only one point I wish he had covered in his speech; that is, that Government will take steps to see that the money which is left in the coffers of business firms through the removal of the excess profits tax will be used for the development of industry and not for the payment of dividends to shareholders.

The question was put and carried.

## PERSONAL TAX (AMENDMENT) BILL.

### SECOND READING.

MR. MUNDY: Your Excellency, I beg to move: That the Personal Tax (Amendment) Bill be read a second time.

This bill really relates to the hospital contribution. The Hospital Committee met from February, 1943, until August, 1944. Its report was summarized in Sessional Paper No. 4 of 1945. In that Paper Government stated that the Hospital Committee, subject to the approval of this Council, That Paper was then sent to a select committee. It reported, and its report was adopted, but it was understood at the time it was adopted that a comprehensive bill covering the whole of the proposals in the Hospital Committee report would be introduced and that if there were any matters which were not agreed on and it was clear there

[Mr. Mundy]

was no complete agreement on the method, or financing the scheme, they should be dealt with in that select committee.

The last paragraph of the select committee report on the Sessional Paper is as follows: "It is necessary that the legislation putting the scheme into effect should come into operation on the 1st of January, in order that personal tax payers should meet their obligations concurrently with the payment of tax. If the necessary legislation is not introduced as from the 1st of January, 1946, it will be necessary to postpone it until the 1st of January, 1947, a result which we should deplore. Although we realize that the Law Officers of the Crown are fully occupied with a large programme of important legislation, we hope that it will be possible for them to find time to prepare a draft Bill to give effect to the scheme in time to permit of its enactment during the budget session of the Legislative Council."

It has, unfortunately, been impossible for the comprehensive legislation to be drafted in time for this session, and it is therefore proposed to implement the last paragraph of the select committee's report by this short bill, adding to the personal tax for 1946 only the payment of Sh. 5, Sh. 10 or Sh. 20, and these amounts will be earmarked for the hospital fund. In asking hon. members to pass this Bill I should like to make it clear that it does not commit either Government or Council to any method of financing the hospital scheme. If, when the comprehensive Bill is introduced, it should be decided that the financing should be done in some other way, this bill will be repealed, and the payments made set off against any system which is contained in the comprehensive bill.

MR. FOSTER SUTTON seconded.

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, clause by clause, the following bills: 1946 Approp-

riation Bill, the Excess Profits Tax (Amendment) Bill, the Personal Tax (Amendment No. 2) Bill, the Courts (Amendment) Bill, and the Criminal Procedure Code (Amendment) Bill.

MR. SURRIDGE seconded.

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

The bills were considered clause by clause

### Criminal Procedure Code (Amendment) Bill

MR. FOSTER SUTTON moved that clause 3 be amended by inserting "(1) after the figure '3'" and by adding at the end thereof "(2) This section shall be deemed to have come into operation on the 3rd day of April, 1945"

The question was put and carried.

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

MR. FOSTER SUTTON moved that the Criminal Procedure Code (Amendment) Bill be reported with amendment, and the remainder of the bills without amendment

MR. SURRIDGE seconded.

The question was put and carried. Council resumed.

His Excellency reported accordingly.

### THIRD READINGS

MR. FOSTER SUTTON moved that the 1946 Appropriation Bill, the Excess Profits Tax (Amendment) Bill, the Personal Tax (Amendment No. 2) Bill, the Courts (Amendment) Bill, and the Criminal Procedure Code (Amendment) Bill be read the third time and passed.

MR. MUNDY seconded.

The question was put and carried.

The bills were read the third time and passed.

### SEASONAL GREETINGS

HIS EXCELLENCY: In adjourning Council I take the opportunity of wishing hon. members the compliments of the season. (Applause.)

### ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 8th January, 1946.

### Tuesday, 8th January, 1946

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 8th January, 1946. 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. J. Robbins, Esq., Acting Commissioner for Local Government and Lands; C. E. Mortimer, Esq., C.B.E., Member for Health and Local Government; K. L. Hunter, Esq., O.B.E., Provincial Commissioner, Nyanza Province; Mr. Walter Odede, representing Native Interests

### MINUTES

The minutes of the meeting of 20th December, 1945, were confirmed

### ORAL ANSWERS TO QUESTIONS

No. 139—NAH SUPPLIES

MR. TRENCH

Is Government aware of the following facts:

(i) There has been and still is a very acute shortage of nails in the Colony.

(ii) that in June, 1945, the military offered the Imports Controller 90 tons of assorted nails;

(iii) that no answer was given to this offer until August, 1945? In what terms was this answered?

2. Will Government please state what licences for the importation of nails and the quantities involved have been issued in each month from April to November, 1945?

MR. MUNDY: The answer to the first three parts of the question is in the affirmative. In June, 1945, the military authorities offered to release 90 tons of nails, including 60 tons of large size nails of which civil stocks were then available. It was a condition of the offer that the whole of the 90 tons must be accepted. This offer was examined by the Imports Controller, in consultation with the Overseas Purchasing Division and the Metals Controller, and a decision was taken to refuse it in the light of the satisfactory supply position which existed at the time. Arrangements are,

however, being made to obtain approximately 138 tons of nails from military sources immediately. The reply to the military authorities was to the effect that as sufficient stocks were then available in the civil market it was not necessary to make application for the release of the nails from military stocks.

2. The answer to the second part of the question is as follows:—

	cwt.
April	2,040
May	3,872
June	2,088
July	15
August	12,840
September	265
October	411
November	—
Total	21,491 or 1,074 tons.

MAJOR KREYSER: Arising out of that answer, could we be told why, if there were sufficient nails at that time, permits were not being filled?

MR. MUNDY: I am afraid I must have notice of that question.

No. 147—MWEIGA RIVER

MR. WRIGHT

Is Government aware of the unsatisfactory position regarding water in the lower reaches of the Mweiga river since the breaking of the banks of the canal between the Rahuti and the Mweiga river some years ago? Will Government undertake an early survey of the position with a view to its solution either by reconstruction of the canal or alternatively sanction of the construction of dams to retain flood water in the river bed in those areas where it has virtually ceased to flow for the past four years?

MR. BOYD: Yes, sir. It is proposed to carry out a hydrographic survey of the Mweiga river as soon as the necessary staff is available.

No. 151—WAR TAXATION

SIR ALFRED VINCENT:

Whereas His Excellency Sir Henry Moore on the 6th August, 1940, with reference to the War Taxation (Income Tax) Bill, the War Taxation (Customs and Excise Duties) Bill, and the Petrol Consumption tax, stated: "One common feature of all these bills is the last clause, which

[Sir Alfred Vincent] provides that they shall continue in force until the end of December next following the end of hostilities. This clause has been inserted because the Government regards this additional taxation as of a purely emergency character, which will come to an end as soon as possible after the war. This attitude has been fully accepted by the other East African Governments, too."

Whereas Lord Francis Scott (a then member of Executive Council) in a letter to the *East African Standard* dated 17th December, 1945, states: "In 1939 I was chairman of the European elected members and there is no doubt whatever in my mind but that Government did undertake to take off this war emergency legislation following the end of hostilities. That expression was carefully chosen by Government so that there could be no ambiguity. After the former Great War the expression 'end of the war' had various interpretations."

Whereas "the last clause" referred to in His Excellency's assurance reads "This ordinance shall continue in force until the 31st day of December next following such date as the Governor may by proclamation, declare to be the date on which the war that was the occasion of the enactment of this ordinance came to an end."

Whereas "The war that was the occasion" of these ordinances came to an end in the minds of all normal persons and undoubtedly in pursuance of the intention of His Excellency Sir Henry Moore's expression "end of hostilities" by the unconditional surrender of Germany on 8th May, 1945, and the unconditional surrender of Japan on 15th August, 1945, Italy having previously surrendered:

(1) Did His Excellency Sir Philip Mitchell's broadcast on 15th August, 1945, constitute the "proclamation" referred to in the last clause of these ordinances?

(2) If the answer is in the negative, did His Excellency's failure to issue the proclamation required by these ordinances arise from inadvertence?

(3) If the answer to (2) is in the negative, will His Excellency make the belated proclamation retrospective so as to implement the solemn assurance of

His Excellency's predecessor upon which assurance the money in question were granted by Legislative Council?

Mr. MUNDY: The answer to all three parts of the question is in the negative.

The Government does not regard the reference to the "end of hostilities" in the statement made by Sir Henry Moore on the 6th August, 1940, as conveying any assurance or expressing any intention other than that contained in the clause to which he referred. This is shown not only by the wording used by Sir Henry Moore but also by the following remarks of the then Financial Secretary in moving the second reading of the War Taxation (Customs and Excise) Bill a few minutes after the Governor had spoken: "As Your Excellency has explained, it is provided in the bill that this measure shall remain in force until the 31st of December following the expiration of the war." Moreover, I myself, as Commissioner of Income Tax, in moving the second reading on the following day, the 7th of August, of the War Taxation (Income Tax) Bill, which was another of the bills to which Sir Henry Moore referred on the 6th August, used the following words: "There is then clause 7, which provides for the bill expiring on 31st December following the date upon which the present war ends."

The Government's views on the question of what was meant by the period of the war were expressed by the then Attorney General a few months earlier, viz. on the 3rd of April, 1940, when in reply to a question he made the following statement during the debate on the increase of Rent and of Mortgage (Restrictions) Bill: "The first question which the honourable member asked me was with regard to the period of the war. I am not going to pretend to be a prophet and state a definite date in this ordinance when war will end. I can only say that in due course there will be a proclamation issued at home declaring that a state of war no longer exists between the United Kingdom, however it is worded, and the enemy, which will be taken as the date upon which the war ceases."

His Majesty's Government have not yet issued a proclamation declaring the war to be at an end, but the Govern-

[Mr. Mundy] ment of Kenya, after consulting the Secretary of State and the other East African Governments, has decided that the date chosen for the formal declaration of the end of the war, so far as existing war-time taxation legislation is concerned, shall be the 24th of February, 1946, which is the date on which the United Kingdom Emergency Powers (Defence) Acts are due to expire. This means that our war-time taxation legislation will come to an end on the 31st of December, 1946.

A further statement of the Government's intention regarding war-time taxation was made in Legislative Council by you, sir, as Chief Secretary on the 19th of November, 1943, in which you stated, *inter alia* as follows: "Reference was made by the hon. member (for Nyanza) to post-war taxation, and since reference was also made by the noble lord the hon. Member for Rift Valley to what the Government said in 1939, perhaps I might be permitted to quote what I said on that occasion: 'Your Excellency, I think I can reassure hon. members by stating that the present intention of Government is that this legislation is emergency legislation designed to enable the Colony to play its part in bearing the additional war expenditure. It is impossible to say, as the hon. Financial Secretary has stated, what may be the position after the war, but this legislation was introduced as an emergency war measure. That is how it is regarded by the Government at the present time. Some of the implications the hon. Financial Secretary has already referred to. It is impossible to say what further implications may arise, but I state definitely at this time that the legislation was introduced as an emergency war measure.' That, sir, was the statement I made then, and I see no reason to retract from it in any way now."

As hon. members are aware, the Draft Estimates of Revenue and Expenditure for 1946 and the Report of the Standing Finance Committee thereon make it abundantly clear that very heavy war expenditure must necessarily be incurred during 1946.

SIR ALFRED VINCENT: Arising out of that answer, sir, as we have a concrete assurance that wartime taxation does cease on the 31st December of this year

1946, could I ask Government if they would give a definite undertaking that they will produce their post-war taxation proposals reasonably early in this year 1946, to give us ample time to frame our estimates accordingly, and so that the whole matter may be fully discussed and without any undue haste?

Mr. MUNDY: Your Excellency, the Government proposes to bring its post-war taxation proposals, so far as they can be properly discussed at the time, before a session of this Council to be held about August or September this year. Hon. members will appreciate that specific alterations to the customs and excise tariff could not be the subject of discussion several months before those changes were due to take place.

MR. SHAMSOOD-DEEN: Your Excellency, arising out of the answer, may I ask Government to clear up the following points. What time during the year are the Estimates to appear? Whether on or about the 18th August last when the cessation of hostilities took place were Government in a position to produce revised estimates? Whether, supposing hostilities had ceased say on 30th December, 1945, Government would then have been in a position to carry out the promises that have now been mentioned?

Mr. MUNDY: I do not know the exact time-table of the budget this year, and I cannot say whether it would have been possible at the time to make the necessary alterations. Certainly at the 30th December it would not have been possible to do so.

#### PENSIONS

##### JAMES MUTUA

Mr. MUNDY: Your Excellency, I beg to move: In consideration of James Mutua's service to Government from the year 1908 to the year 1944 in the capacities of clerk, interpreter, soldier, tribunal elder and chief principally in the Machakos district, this Council approves the payment to him of an *ex gratia* pension at the rate of £24 per annum with effect from 1st June, 1944, inclusive, in addition to the gratuity of £13 already awarded to him under the regulations.

This motion involves no new principle. Chief Mutua was employed by the Government as a police clerk in 1908. From 1914 he served under Brig-General



[Mr. Mundy]

Edwards up to the end of that war, and afterwards was employed by the Native Affairs Department, Nairobi, until 1930, when he was appointed headman in the Muthubi Location and subsequently became chief on 1st June, 1942. He has rendered the Government excellent service, and I strongly recommend the pension.

MR. FOSTER SUTTON seconded.

The question was put and carried.

J. F. X. D'SOUZA

MR. MUNDY: Your Excellency, I beg to move: This Council approves the payment of a reduced pension at the rate of £10 8s. 11d. a year with effect from 7th December, 1945, inclusive, and a gratuity of £34 15s. 10d. to Mr. J. F. X. D'Souza, first grade clerk, Forest Department, in respect of his temporary service in the military establishment from 28th April, 1917, to 31st October, 1919, both days inclusive.

The principle of this motion has been accepted in many cases before. I beg to move.

MR. FOSTER SUTTON seconded.

The question was put and carried.

#### K.U.R. & H. ESTIMATES

##### SECOND SUPPLEMENTARY, 1944

GENERAL MANAGER, K.U.R. & H. (Sir Reginald Robins): Your Excellency, I beg to move: That the Second Supplementary Estimates, K.U.R. & H., for 1944 be adopted.

This is a formal resolution, because the Second Supplementary Estimates really represent only accountability adjustments following on the close of the year.

MR. SURRIDGE seconded.

The question was put and carried.

##### FIRST SUPPLEMENTARY ESTIMATES, 1945

SIR REGINALD ROBINS: Your Excellency, I beg to move: That the First Supplementary Estimates, K.U.R. & H., for 1945 be adopted.

The supplementary estimate shows an increase in the Railway revenue of £232,000 which, of course, resulted in further expenditure on fuel and all the necessary services earning that revenue. In so far as the Port is concerned, the

position was somewhat different, in that there was a fall in the revenue of £147,000, but there are corresponding savings in payments to the contractors.

MR. SURRIDGE seconded.

The question was put and carried.

#### ESTIMATES OF REVENUE AND EXPENDITURE, 1946

SIR REGINALD ROBINS: Your Excellency, I beg to move: That the Estimates of Revenue and Expenditure, K.U.R. & H., for 1946 be adopted.

In presenting these estimates I propose to follow my usual custom and not to bore hon. members with a whole mass of figures, but to try and give them some of the factors that I had in mind at the time when these estimates were prepared and the factors upon which we have based the estimates that are now before Council. So far as the figures are concerned, in the front of the estimates there is a detailed memorandum which sets out all the detailed figures and the increases and decreases.

The other day in this Council I heard the then Acting Financial Secretary explaining the great difficulties which faced him in the preparation of a budget in these very uncertain times. A little later in Uganda I heard the Financial Secretary of Uganda make a similar statement. My sympathies go out to Financial Secretaries in preparing their budgets during these abnormal times, but I would suggest, too, that the Railway had very grave difficulties and, if anything, those difficulties are rather greater than the difficulties which faced the Financial Secretaries for this reason. I do not think it is generally appreciated how many authorities have to be consulted in connexion with the Railway and Harbour estimates before they are finally placed before the Legislatures of Kenya and Uganda. We have to submit these estimates, or part of them, to a sub-committee of the Harbour Advisory Board and to a sub-committee of the Railway Advisory Council. They are then submitted to full meetings of the Harbour Advisory Board and the Railway Advisory Council. They are then submitted to you, sir, as High Commissioner, before they reach the Legislature. The consequence of this is that we have to start preparing our estimates in June. It is true that, if we are

[Sir Reginald Robins]

would be shipping difficulties. We realized that ships would have to be diverted to the Far East in order, first of all, to bring home prisoners of war, and secondly to transport food and other requirements to the lands which had so recently been released from enemy occupation. These shipping difficulties were not assisted by the labour troubles of the dock workers in England, and that confirmed me in the impression that it would take some time before we could expect normal shipping services, for when you get a whole mass of ships held up in a port it takes a very long time after those difficulties have been settled before transport moves freely again. We have had experience of that at different times in this country. The second factor which was present in my mind was this: that we could not expect an immediate and rapid increase in the importation of goods, particularly goods from the United Kingdom, until the demobilization difficulties had been overcome and the men discharged from the Army and re-engaged in the production of consumer goods. Owing to the form which demobilization took after this war—that is the age and service group—it was obvious that there would be some delay before these men could be re-employed in industry.

Immediately following that came the third factor, and that was the abrupt and sudden end of lend-lease. No one could say at that time what would be the outcome of the ending of lend-lease, but it was reasonable to assume that by the abrupt ending of lend-lease and by the dollar position of the United Kingdom in the United States of America, we had to anticipate that we should only get a very few United States' manufactured goods. Finally, we also had to bear in mind that there would be a curtailment of military requirements. It was quite obvious to me at that time that the military would not go on importing quite a lot of goods, such as ammunition and so on, when the war was over and that early steps would be taken to curtail these shipments, and that, of course, would have an effect on our revenue.

I thought, therefore, in the light of those four principal factors, that it was wise to prepare for a very rapid fall in revenue, and the estimates do reflect that.

After a general review of the situation when the war had ended, we realized that there were a great many uncertainties, but there were four factors which were present in our minds at that time and which, in fact, hold good to-day. First of all, we realized at once that there

[Sir Reginald Robins] opinion: They do reflect a very heavy fall in revenue, particularly in the revenue at the harbour. In considering this, and before placing the facts before the Railway Advisory Council and the Harbour Advisory Board, I prepared a memorandum giving details of what I thought was the actual position, and I indicated that I thought the circumstances were completely abnormal, that once we had overcome these difficulties we should then look forward to some resumption of our earning capacity, not as high as pre-war, but certainly higher than that I have estimated for in 1946. I felt justified, therefore, in suggesting to those boards and councils that we should regard the circumstances of this year as abnormal and that we should not take any panicky or drastic action, and that there was no justification for proposing that there would be an increase in railway rates and charges or in harbour rates and charges, and I think I was justified in reaching that conclusion. I also thought that we ought to continue the very low rates which we have granted in this country and which are usually called the "military rates". My reason for that was that I realized that the United Kingdom was in very considerable difficulties, particularly over the lend-lease question, and I felt that any aid which could be rendered by the peoples of East Africa should be rendered. (Applause.)

I should like to speak for a few moments on this question of what are called "military rates". In fact they have nothing whatever to do with the military. They are low rates which have been quoted in order to assist the taxpayer—the heavily pressed taxpayer—in the United Kingdom. They are not rates quoted to cheapen the cost to any particular branch of the armed forces; there would be no justification whatever for that. The only justification, the only grounds, on which we could continue these rates are that they are of direct assistance to the people of the United Kingdom. They are really our contribution towards war expenditure, and we only used the medium of the Army Command for convenience. We could just as well have made these grants direct to the British Treasury as to do them through the military accounts, but it was simpler to do it through the military

accounts, and so that method was adopted. But there has been a great deal of misunderstanding on this question, and I want to make it clear that, in so far as I am concerned—and I know the Railway Advisory Council and the Harbour Advisory Board are in agreement with me—the only justification for these rates is assistance to the British taxpayer.

There is one other factor, or one other fear, in regard to the rating system which I should like to mention. In our examination of the revenue earned in the harbour it became apparent that there might possibly be a weakness in our method of charging. During the war the prices of goods have been considerably inflated, and the operation of our charges is based on the *ad valorem* value. Now that the war is over—and I was particularly apprehensive at this time because of the lend-lease position—there is quite a possibility of currency being depreciated, in consequence of which we might get very small revenue at the harbour, although in fact our work and our costs have not depreciated. It seems to me that we are in rather a weak position there. I am not suggesting that we should increase the charges at the harbour, but I am suggesting whether we should not find some better basis than the basis which is at present in operation, and I propose, therefore, at an early opportunity to have a general review of the basis of the harbour charges, with the object of considering whether we are not relying too much on the *ad valorem* charge and whether in fact we could not secure the same revenue by a direct charge, and not be subjected to influences outside this country over which we have no control.

The main fall in the revenue is due to the military traffic and to ancillary requirements. When I say ancillary requirements I mean traffic which, to all apparent purposes, is civilian but which, in fact, is moved either for feeding or clothing, or whatever it may be, for the armed forces. In fact, the Draft Estimates for 1946 do provide for a small increase in imported traffic towards the end of 1946, when I hope some of the difficulties which I have already mentioned will in fact be overcome. Once again, I should like to emphasize that these are estimates, and I think I was

[Sir Reginald Robins] justified in basing them on the factors which I have mentioned. I hope I am wrong. If I am wrong, no harm has been done if we get more revenue than we expect, but I think it was only reasonable to take these factors into consideration. That deals with the revenue.

I will now turn for a few moments to the expenditure side. The expenditure is up, but that it is up is due to factors, or mainly due to factors, over which neither I nor my staff can exercise any really effective control. It is up because of the increased cost of materials, fuels, and so on, and also because of wage and other adjustments and war bonuses. Here I would like to say a few words about this question of wages and war bonus.

I have already in the memorandum drawn attention to the fact that the very large sum of £247,700 is being paid out at the present time in war bonuses, and the does not take account of the increase in basic wages. This is a very serious position, and for this reason. At no time in the pre-war period did the Railway Administration have a free surplus of £247,700; it is only during the war period that we have been in a position to meet a cost such as this. I yield to no man in my desire to see a rising standard of living in this country; I yield to no man in my desire to see the workers of the Railway, mainly the Africans, living a normal family life in urban conditions, and not dependent on the work performed by the women elsewhere (Hear, hear); I yield to no one in the desire to see a fine standard of housing provided for the staff of the Railway Administration, but these things cannot be obtained by wishing. With the consent of the whole of the people of East Africa, the Railway Ordinance was passed, which imposes the obligation on the management that the railway shall be operated on business lines. In so far as wages are concerned, that can only mean one thing: it can only mean that the wages to be paid must be in accord with the value of the services rendered. (Hear, hear.) The Railway Ordinance does not say that the Railway Administration shall be a philanthropic institution. (Hear, hear, and laughter.) How, then, can we reach this desirable position?

I say that deeds speak more than words. I have done a tremendous lot, I claim, in trying to raise the standard of living of the majority of workers on the Railway, who are, of course, Africans, and when I look back over the last 21 years I must say there is a tremendous improvement in the rate of pay, feeding, and the housing of our staff. We have also made arrangements whereby they can either be contributors to the provident fund or be paid some gratuity to help them in their retirement. We have not achieved all those objects, but I say we have achieved some, and now we ought to be able to achieve the others. But how? It rests mainly with the Africans, and with no one else. (Hear, hear.) If the African and other employees will increase their output and will lessen the need for this intensive supervision, we can pay better wages, and I shall be the first one to put up proposals for paying those better wages. If it is said: "Why not pay some of these wages now?" and "Why not put up the rates, that would be a method of meeting it?" my argument against that is this, that that would do more harm to the African population than it would to anyone else.

Let us look for a moment at exactly what would happen. Suppose we pay these wages, and then put up the rates. There is no doubt whatsoever that a number of marginal industries in this country would go out of existence. By going out of existence—and many would be agricultural industries—a large number of Africans would be thrown out of employment. Not only would Africans be thrown out of work, there would be less traffic for the Railway to carry, and we should immediately have to reduce the number of our staff. So that you would get few Africans employed by the Railway with very good salaries and the standard of living of most Africans reduced. Therefore, I say it would be against the interests of the Africans. I have done my best and shall continue to do my best to try and get these facts over to the employees, because I believe it is in their interests that they should understand these causes and those effects, and once more I say that the raising of the standard depends to a tremendous amount on the African himself.

It might be argued that as I am budgeting for a deficit, why do I not cut out all works, all new works and replace-



[Sir Alfred Vincent]

regards rolling stock, permanent way and so forth, and it is quite impossible to estimate what it is going to cost to put the Railway back into good condition. Therefore I do agree with him in his estimates, because they are so conservative and so real.

There is one point which he mentioned this morning, and also in the last Railway budget debate, and that is that the Railway did voluntarily reduce the rates for the so-called military traffic—the eight cents per ton-mile—which was just about the cost when the rate was set and was based on the costs existing at that time, but I very much doubt whether it even covers the cost to-day. The hon. General Manager last year stated that he did not wish to interfere with that rate and wished it to continue, because he thought that we should make that contribution to the general war effort and to the relief of the taxpayers in England. I should like to have—and I think it is information that the public should have and that the country is entitled to—-an estimate of the amount of the contribution up to date that the Railway has made to the war effort, based on the difference between the normal tariff as against the eight cents per ton mile charged to the military authorities. I believe it must run into a very considerable sum, and if it is possible to give us a near estimate of it I should be greatly obliged.

These estimates are so complete that I find it quite unnecessary to refer to them in any detail. I think it is only necessary to deal with matters of principle, and I have covered the important one, which is the preservation of the assets. But there is one point which I should like the hon. General Manager to comment on in his reply and that is: is he satisfied with the set-up as between the Railway Administration and its labour at the Port, and the Labour Department of this country? He, more than anyone, realises that if anything goes wrong with the labour at Mombasa it has an immediate detrimental effect throughout the whole country. We heard that there was dissatisfaction at the beginning of this year because, among other things, it was quite impossible for the Railway employees to purchase the necessities of life, including clothing, at

any other price than black market prices in Mombasa, and it was suggested to him that the shops in the Railway lands should be stocked with an intelligent selection so that the trouble would not recur and the labour could be kept in a more satisfied condition.

There are no other points I wish to raise, and I beg to support the motion.

Mr. COULDREY: Your Excellency, I rise to support the motion, and I am sure that all hon. members will be glad to hear that on this occasion I am not going to give a dissertation on railway policy! Whenever I have done so in the past it has been very much a case of beating the air, because nothing said in this Council has any effect on Railway policy, but on this occasion I am not going to do it because I understand that later in the year we shall be discussing a measure in which the question of railway policy will be very much to the fore, and I shall reserve my words of wisdom for that occasion.

I am not even going to comment on the hon. General Manager's seven and a half million reserves, and so on this occasion when he replies he will not have to explain that the Kenya and Uganda Railways have no reserves at all and that, if they are reserves, in any case they are grossly inadequate. But I must just say this. I was very glad to hear him say that he was going to raise £1,800,000 to pay off that onerous loan, and when he squared his shoulders and said: "We are going to get this money by hook or by crook"—sir, I believed him! (Laughter.)

There are just one or two very minor points which I should like to make. Last year in this debate I asked the High Commissioner of Transport if he would at some near date call a transport conference. He assured me he would do so. I then asked if it might be done fairly quickly, and was assured that that would be the case. No publicity whatsoever has been given to that transport conference. I know that an expensive secretary—although I suppose he is a very highly trained transport officer—was engaged, but there has been no report whatsoever about that transport conference. Nobody knows what has happened; nobody knows what resolutions were passed, and nobody knows what the intentions of the conference were. It may be due, of course, to the fact that the conference

[Mr. Couldrey]

has never been held! I know that it is not within the province of the hon. General Manager of the Railways, and I am afraid I do not know who is the High Commissioner of Transport—or 50 per cent of the High Commissioner, because I believe it is divided at the moment between His Excellency the Governor of Uganda and you; sir! I do not know whether you succeed automatically to the 50 per cent of it, but I should like to ask: is there going to be a transport conference, and is anything going to be done other than engaging staff?

There is just one other thing I should like to ask while I am on my feet. The hon. General Manager of the Railways last year in his reply was very sympathetic as regards a case I put up for running a transport service to Sotik, a diesel truck service. He said, if I remember rightly, I have not got Hansard in front of me that he hoped to do so. I have every sympathy with his hopes, but

I was going to say the war is over! Of course the war is only over as far as the Railway is concerned, not as far as the Government is concerned. Anyways, the war is over as far as the Railway is concerned, and I should like some sort of assurance as to whether he does really intend to do anything in that matter. Of course, that is not the only place where ancillary transport is necessary. Moiben is another one, he should like to ask if, in his reply he can, without committing himself too far, tell us if he has any intention at all of arranging for these ancillary transport services.

I beg to support the motion.

Mr. WRIGHT: Your Excellency, I, too, should like to associate myself with the unusual measure of praise and accord that has been given from this side of Council to the hon. General Manager for the manner of his introduction of his estimates; estimates comprising a noteworthy budget of a very prudent nature, which will probably make an interesting contrast to another one presently to follow! (Hear, hear.)

There have been criticisms outside this Colony, and there is one in particular I should like to deal with now which appeared in that well-known up-country paper! (Laughter.) This is a cutting from

last week's issue: "The Hon. H. R. Fraser recently asked the following question in the Uganda Legislative Council: 'Will Government confirm whether or not the limit of £750 placed on works executed by the Kenya and Uganda Railways and Harbours without the sanction of the Railway Advisory Council has been increased to a figure of £2,500? If the answer to this question is in the affirmative will Government state why this matter was not first referred to the Legislative Councils of Kenya and Uganda, who fixed the original maximum figure and who are responsible for the passing of the Railway Estimates?'"

The reply of the Chief Secretary, Uganda, to the first part of the question was in the affirmative, that in fact the limit on work had been raised from £750 to £2,500, and I want to associate myself at once with the action taken by the Railway Advisory Council in giving that authority to the General Manager. The Railway working on a sum of £2,500 for urgent requirements is much as a packet of nails is to the farmer! (Laughter.) (Mrs. WATKINS: Unobtainable!) There is something in that! The Railway Advisory Council meets seldom. The Administration sends out all sorts of communications from time to time telling us what is about to happen and asking for authority rather than convene a special meeting. So far so good, but it would be quite absurd when an emergency operation comes along, costing something of the order of £2,000—up to a limit of £2,500—that it should be delayed pending reference to the representatives of that Council in Kenya and Uganda, and the delay involved would probably cost a good bit. For that reason, as a member of the Railway Advisory Council, well recalling the discussion when the authority was given, I hope hon. members on this side will give it justification.

There is one note I want to make about projected works. I do not know quite when it is going to happen, but for years now realignment proposals have been under discussion. These were interrupted naturally by the course of the war, but it is envisaged that these realignment proposals should be taken in hand as soon as possible. They will be expensive, and there is only one point I should like the hon. General Manager to make

[Mr. Wright]

public here. He has personally given me an assurance. That is, that on the section to be realigned between Upland and Naiwaah the farmers affected—and some of them will be very seriously affected—will have an opportunity to submit their case before a drastic realignment takes place which will cut them off very effectively (from the railway or add enormously to their mileage.

I was particularly glad to hear the hon. General Manager's outspoken reference regarding one of his difficulties, namely, the labour problem. I do hope he will be able to put it over, but it is abundantly clear that the Railway, because of its riches and the depth of its purse, is being pressed to show such an example to industry throughout the country that it is in grave risk of becoming, in fact, a philanthropic institution, unless the Administration of that great department gets real value for its money.

It is proper that at a time when the 50th anniversary of the Railway is being celebrated we should find in this particular budget nothing contentious so far. On this the hon. General Manager himself has already been complimented, and may I say that it is particularly suitable that he should have been so worthily rewarded during the last year when he was given one of those rare honours on which, I think, no opportunity has yet been taken in this Council of complimenting him. (Applause.) We are accustomed to the skill with which he introduced the budget, and I and others on the Railway Advisory Council and the Harbour Advisory Board know of his skill on those bodies, but apart from complimenting him I look forward to the rest of this debate, and particularly his summing up at the end. I support the estimates.

Mr. Nicol: Your Excellency, I support the motion, and will also add my congratulations to those of other speakers to the hon. General Manager. I have a very high regard for the Railway Administration, and I do think that over these difficult times the Administration are deserving of the sincerest congratulations of the public, particularly those members of the Administration staff who come in contact with the public. Their patience is, well, really phenomenal. But I think it only

fair that grievances and the like are ventilated, and I am afraid that I am on my feet to ventilate the grievances of one section of the Railway Administration. It is only fair that if people have got complaints and grouses these should be ventilated, and that the Administration should be allowed to give a clear answer on the position. The complaints that I am going to deal with are those that have been raised in the House of Commons recently by Mr. Sorensen. I would not like to accuse that hon. member of the House of Commons of petty larceny by saying that he had stolen my thunder, but I had been asked to raise these particular points before his question was put in that House. The two points affect the drivers of the Administration, and they are fines and leave for drivers.

In regard to fines, Mr. Sorensen asked the Secretary of State for the Colonies "whether he is considering the abolition of the heavy fines that can now be imposed on the railway running staff in Kenya, and if he is aware of considerable discontent respecting this practice." Mr. George Hall replied "The High Commissioner for Transport has recommended that heavy fines are only imposed for offences which endanger the safe operation of the Railway and that they are considered preferable to reduction in grade or dismissal of the offenders. I have not received any reports of discontent respecting this practice." I must say that I have got to express surprise at that answer, for the evidence I have is that there is considerable discontent. I have no doubt the hon. General Manager had to make up the parliamentary reply to that particular question, and perhaps he has been misled.

I admit that the fines are in accord with the Railway code of regulations or letters of appointment of drivers and are within the law, but I had the idea that fines in most cases were confined in regard to letters of appointment to a maximum of £5, but it is right that a man on these particular terms should be fined £507. Apart from anything else, it is a rather archaic form of punishment, is it not? and I should very much like to see that abolished. It might be interpreted by people who do not know that this method of fining was the sort

[Mr. Nicol]

of authority which the Administration had to have for the enforcement of discipline. Regarding I do not think is the answer, and of course in present circumstances dismissal, I should say, is out of the question, because presumably they could not get the bodies to fill these particular posts. But it is not possible that the lapse of efficiency is due to physical tiredness of the individuals themselves, war neurosis or overstrain by the exceptional hard work, and surely the way to regain efficiency is not by inflicting fines but by leave. From information which has been passed to me it would appear that fines have been harshly inflicted and are also on the increase, and there is, I maintain, considerable discontent.

In regard to the second point, that is leave, Mr. Sorensen continued with his question and asked: "Why is overseas leave not being granted to members of the running staff after many years of service?" The reply that he got was "It has unfortunately proved impossible to grant overseas leave on any considerable scale owing to the continued pressure of military traffic and more recently of demobilization. The Railway Administration will, of course, keep this matter under close review, so as to revert to the normal practice as soon as this is possible." Mr. Sorensen then asked: "Is the Rt. Hon. gentleman aware that meanwhile some of these men have been without leave for upwards of seven and eight years?" Mr. Hall replied: "That is so, but there has been a very good lift. During November nearly 600 persons were brought from East Africa." How many were drivers or members of the running staff, for what help has been to that particular section of the leave in community? I understand that the leave in so far as the Administration is concerned has been stopped only in so far as the running staff are concerned. I understand that five drivers were promoted to acting locomotive inspectors: could they not do a trip on the engines and allow drivers to get away on leave? The feeling among a number of drivers is that they are being penalized, and the contention of a certain portion of them is that if leave is stopped for one session it should be stopped for the lot. As an example, drivers of 18 to 20 years' service have had no leave since 1939

and apparently cannot get away now, whereas a man in the workshops who arrived in East Africa on his first tour in 1939 has already had three months leave in South Africa, and I understand is at present on leave in England, or certainly was three weeks ago, and I understand that neither of those leaves was taken on medical grounds.

Again, it would appear from information given me—and I should like correction if I am wrong—that the hours of work for the men are out of all proportion to the other sections. I am informed that the workshop hours are 176 a month, whereas the drivers complete somewhere round about 300. It is not a question of overtime or anything like that but a question of having time off or recuperative leave to recuperate their physical tiredness and mental strain which drivers undoubtedly suffer from. I am told that appeals have been made to the Administration, but that the answers have been somewhat unsympathetical. For example, to quote a routine reply to one application: "The only applications that might receive consideration"—and I emphasize the word "might"—"will be those supported by a very strong medical recommendation." I Representations have also been made, I understand, to the Civil Service Association, and satisfaction has not been received, and that is one of the reasons why it was brought to me and I was asked to ventilate it here. It is only fair when people have grievances and do not get satisfaction that they should be ventilated, and the Administration given an opportunity to answer them.

Another point which seems a bit unfair on drivers is that they have been asking if they might be allowed to carry a servant with them on those long journeys to look after their food, and they have been told they can do that provided they pay the servant's fare, for instance from Mombasa to Nairobi. Those little things cause a certain irritation. We realize that the drivers have had an anxious and firing time, and the physical and mental strain must be terrific in handling these big, heavy trains at all hours of the day and night.

The hon. Member for Aberdare raised the question of the maximum figure for work having been increased from £150 to £2,500. I remember when I was last

[Mr. Nicol]

a member of the Harbour Advisory Board that a similar resolution came before that board, which agreed that the figure should be put up. I forget the exact figure which was agreed to. I agree with my hon. friend that it is absolutely essential that the hon. General Manager should have this power. Finally, I would just like to reiterate my admiration of the Administration and the work of the Administration and all those having anything to do with it, but I do hope the hon. General Manager will be able to clear the points regarding grievances which I have had, unfortunately, to raise here to-day.

With that I support the motion.

MR. BOURWER: Your Excellency, I should just like to amplify the question put by the hon. Member for Nyanza regarding feeder services, and I want to address this question to the Government of Kenya as well as to the hon. General Manager. The question is: Is it the Government of Kenya's intention to develop its asset by inducing the Railway to establish feeder services where they are required? The hon. Member for Nyanza has mentioned two places, Suki and Moiben, and it is desirable the country should know where it stands. So far, during the war representations have not been made to my knowledge as far as Moiben is concerned, but representations were made before the war. During the war it was understood that nothing could be done because of various difficulties, but I do not think those difficulties will still be so great in future to prevent the bringing about of these feeder services, and representations are now being put forward by my constituents who live in Moiben to have a feeder service established by the Railway. The difficulty as far as the Railway is concerned is in two points, one the question of there being granted a monopoly on these roads, and the other the question of a possible subsidy, and I should be grateful if Government would state what their policy is in the matter.

MR. VASEY: Your Excellency, I rise to support the hon. member in his statement that there is considerable grievance existing among the drivers and in the locomotive section. The position which he has outlined has also been brought to my notice by several drivers and re-

presentatives of the staff. I would like to ask the hon. General Manager to answer three questions, which I am sure he can do very well. One, the maximum fine that can legitimately be imposed upon a member of the locomotive staff; two, where such a fine has been imposed, the full right of appeal to himself against such imposition is assured; three, does he prefer the method of fining to that of suspension from duty?

One other small point. On page 6 of the Estimates—scales of salary, basic rates for unskilled labour, Nairobi Sh. 18, plus rations or Sh. 4 a month in lieu, plus housing or Sh. 4 per month in lieu. The minimum wage for Nairobi is actually Sh. 28; that is, Sh. 18 plus Sh. 5 or food in lieu plus Sh. 5 or housing in lieu. I am perfectly well aware that the standard of rations supplied by the Railway are worth considerably more than Sh. 5 per month, and I am perfectly prepared to hear and believe that the standard of housing provided costs more than Sh. 5 per month per head. If that is the case, I suggest that the figures in this budget for Nairobi should be brought into line to show that that is actually the case and that the Railway is complying with the minimum wage.

I should like to compliment the hon. General Manager most sincerely upon his straightforward statement on labour and its reward. Unless the ideas of the hon. General Manager can be got across to the African, and get across completely to those of us who are the friends—and I think we all are—of African labour will have an extremely difficult task to see the scale of wages move upwards. I should like to pay my tribute to the hon. General Manager for the clear and concise manner in which he introduced the estimates and compliment him.

MR. MATHU: I should like to associate myself with hon. members who have congratulated the hon. General Manager on his excellent statement of fact in presenting the estimates of his Administration this morning. I must say he does it very lucidly and in a way to satisfy me at least. He prefixed his statement by saying that he would not tire members by quoting a mass of figures. I do not like to quote figures either, but I should like to make a few remarks on these estimates.

[Mr. Mathu]

First of all, I would say that I heard the hon. member addressing an African meeting in Nairobi last year describe the K.U.R. & H. as the African railway, and K.U.R. & H. as the African railway, and he did so, I think, because of three reasons. First, it is an African railway, because it has been laid on African soil, second, because among members of the railway the Africans numerically come top, third, among the workers in the Administration numerically the Africans are in the majority. I think on those three reasons he described it as the African railway. I should like on that text to make my remarks on two points, namely, the railway, and to suggest that a user of the railway, and to suggest that the present need of the African to-day is accommodation in the third class coaches. I know the hon. member will tell me that he did survey the situation in regard to the scarcity and availability of rolling stock, spare parts, and so on, and consequently he is not in a position to give more accommodation to Africans travelling third class. However, I should like to bring to the notice of the hon. member a fact of which I am sure he is already aware, that there is dreadful overcrowding in these compartments at the present time, and something should be done even with the present stocks to alleviate the position, because the African, I think, is travelling more on the railway than ever before not, as some people say, for pleasure, but for business reasons. I think that someone suggested that possibly the wooden bogies that have come into this country might be utilized to alleviate this overcrowding and discomfort in the travel of these Africans in the third class compartments.

The second point is about the treatment which African users of the railway get when they go to buy a ticket: they may be considered to be minor annoyances. I have witnessed a lot of cases in railway stations where an African purchasing a ticket is subject to a lot of petty annoyances at which anybody would feel irritated, and I would like to suggest that something ought to be done to impress on the officers of the Railway Administration who are responsible for the issuing of tickets to third class passengers, mainly Africans, to give them every consideration and courtesy which public servants are expected to give everybody. I realize that these officers

are overworked, and that the work is really sometimes beyond their power because of fatigue, but at the same time I hope that more courtesy can be expected from these people who issue tickets to third class passengers.

Another point concerns African workers in the Railway Administration, and I should like to start with the unskilled workers. That their wages range from Sh. 12 to Sh. 18 is justified, if I am interpreting the remarks of the hon. General Manager, by the fact that the output is commensurate with the money that is paid. My argument on this point is that it is a principle introduced throughout the country in every department where Africans work, the entire agreement with those who say the output of labour should be increased, so that the wages should also be increased, but I have always been in a difficult position when I ask myself this question: who is going to be the judge to say the output has been increased? If the employee is asked whether the output is all right he says it is and that he wants more wages. If the employer is the judge and is asked whether the output is all right for the wages paid he says "No we want more output." That is the natural reaction of everybody. If a man has worked an acre and comes and tells me, being the employer, that he deserves so much, I say that he should have done two acres, which would have been a better output, so that it is difficult to see where we can reach agreement in this matter of output and increased wages, and one wonders whether it is only a shield behind which employers hide so that they may pay less and expect more work.

I will give you an instance of that. African locomotive drivers or African guards, to mention only two. There is a scheduled time when the driver has got to get the engine leaving and a time when it is expected at a particular station. He does that, he sets out at the right time and gets in the station at the right time. An Asian driver or European driver does the same. There, in plain driver does the same. While, in that case, the output is equal. The African driver or the European driver? Similarly the driver or the European driver of the train, with the guard in charge of the train. The same thing happens in that particular case, why not give him more remuneration? In regard to unskilled labour,

[Mr. Mathu]

I should like to suggest that, although the argument has been advanced that wages are all right in view of the fact that the African does not give more work, on that principle we shall continue to learn by disturbances. There have been a few in Mombasa particularly, due to the fact that the wages of those labourers are very low. How can we meet it unless we raise the wages? The other side is that we cannot increase wages until the output has been increased, so that we are going in a vicious circle. This is the same class of workers as those who appear in the African scales, page 6 of these estimates.

I should like to make a few remarks here to say that I have heard, not from the hon. General Manager, who will correct me if I am wrong, that where these African stationmasters have been given charge of a station they have done excellent work, and have satisfied the Administration that they can manage the running of these stations to the satisfaction of the Administration. In that case, I want to know whether it is not possible, if they can do the same work as an Asian stationmaster, why there should be a tremendous difference in the wages between the Asian and African stationmaster who is doing the same work? A minor point I should like to explain to the hon. General Manager is that in the salary scales of Europeans and Asians, they are put in grades; the Africans are put in grades, and, as far as the running staff is concerned, in classes. There may be a reason for this confusion of terminology, and possibly he would be good enough to clarify the position.

Finally, I should like to say, as I said in my budget speech earlier, that any remarks I have made indicating certain criticism of the Railway Administration do not in the least prevent me from saying that we have a high admiration of the Railway Administration. There is no doubt about that. They have worked efficiently, particularly during the war, under difficult conditions and have aroused a tremendous admiration from the African people. But that does not prevent us criticising some of the things we feel should have been put right in order to make the railway truly and correctly to be described as 'the hon. General Manager did at one time, as the

African railway. In that connection I should like to suggest to him that we would welcome very much indeed if he would take the necessary steps to increase his African employees, particularly as stationmasters, because it is very important that in places where there are Asian stationmasters with an Asian assistant things are not as happy as we would like them to be. I suggest most sincerely that if possible the hon. member should have at certain stations an Asian stationmaster with an African assistant, so that that African can look after interests of the African passengers, and in that way keep up the prestige and admiration of the Railway by the African. I beg to support the motion.

MR. SHAMSUD-DEEN: Your Excellency, I really do not see any good in reiterating what we have been saying here for years and years past. Had my hon. friend the last speaker known it, the arguments he advanced here this morning have been repeated by me almost ad nauseam in this Council, but nothing whatsoever has materialized. Let it should be understood that the Indian members by their silence signify their acquiescence in the whole policy underlying these Estimates. I have just a few words to say—this may again be reiterated, but we have to go on reiterating until wrongs are righted—that is, that the policy of the Railway whereby it enjoys a monopoly as against all forms of permanent transport, road transport and so on, is a thing that will have to be revised sooner or later. Can anybody tell me in what other parts of the world there are railways enjoying similar privileges and facilities? They pay no customs duty and enjoy a monopoly to the exclusion of all other transport. This matter becomes more urgent now, when we know that there are many thousands of motor vehicles which will be released by the military before long, and which could be quite usefully utilized for road transport, especially passenger traffic where the Railway cannot satisfactorily deal with it.

As regards the staff employed by the Railway, the scales of salary are shown on pages four and five. My hon. friend the last speaker (Mr. Mathu) tried to compare the wages paid to Africans with those paid to Asians. No one has ever given me an answer as to why a Euro-

[Mr. Shamsud-Deen]

pean driving an engine from Nairobi to the Coast or some other station should get a much higher salary than an African or an Asian driver would get. The policy that has been followed by the Railway Administration for a great many years cannot be described in any other words than iniquitous, and scandalous. There is not one single Asian or African officer on the whole of the administration. That constitutes not only a lasting injustice, but casts a slur on the Indian community. It actually shows that there is not a single Asian or African in this Colony who is qualified or who can be entrusted with the position of an officer. I assume the position is not the same on other railways. For instance in the Sudan, I have seen Sudanese traffic inspectors and Sudanese officers on the railway and they appear to be quite satisfactory. I cannot understand why the same policy should not be adopted in this Colony.

I have always described the Railway Estimates as the annual communiqué. We can only talk generally about them, whereas the Colony's estimates are criticized to such an extent that I think sometimes it is reduced almost to the limits of absurdity, but we are not in a position to criticize the Railway estimates. Then, again, the Railway does not recognize the principle of no taxation without representation, but surely the representation should bear some relation to the taxation and revenue contributed by each community. My hon. friend the last speaker (Mr. Mathu) said that the Africans use the railway very extensively; so do the Asians. The Asian community contributes a very large amount of revenue to the Railway. We have been crying in this Council for I do not know how many years, and the Railway or the Government have refused us our right even to be represented on the Railway Council by one single Indian member. That means to say they like our money, but they do not like our presence on these councils.

There is only one other point I should like to stress. This railway is peculiar in that it has to cater for passenger traffic consisting of the races of three continents; that is Europe, Asia and Africa. My experience has been that whenever you make any representations to railway officials they take great delight in turning them down. For instance, on

all the railways I have travelled on in the world there have been compartments reserved for women, and that is very necessary in this country, especially in the third class. You have only got to realise the inconvenience and the dangers to which the womenfolk are subjected by being made to travel in the third class in the same company as Indian and African males. It is not only the inconvenience, but the dangers to the womenfolk are very great. For this reason I should like to submit for the consideration of the hon. General Manager, the introduction of either a fourth class or an intermediate class where all the civilized passengers among the Indians and Africans could travel, instead of having to travel, men and women, with some passengers who are still primitive, and even nude in many cases. Since the hon. member has told us that it will take another year to get rolling stock from England, I would ask him—or rather the Government—seriously to consider whether we cannot in the meantime introduce motor transport, at any rate for the passengers who are crammed into third class carriages.

I do not think any useful purpose would be served by my dealing with the disparity of the salary scales paid to Europeans, Asians and Africans. I submit that there is no justification whatsoever for paying, say, Sh. 5 for a letter even that has been typed by a European typist, Sh. 2 for a letter by an Indian typist, and Sh. 1 by an African typist. I hope the time will arrive when by the proper re-arrangement of Asians and Africans on the Railway Advisory Council, all these injustices will be removed. As I have said, neither the public nor the hon. members of this Council are given a chance of criticizing these Railway estimates in detail, and we have no alternative but to acquiesce.

DR. RANA: Your Excellency, I rise to support the motion, but before doing so I have been debating in my mind this morning whether to say anything on these estimates or not. The reason is, firstly, that I have always been told that the Railway Administration do not listen, and secondly, because I do not know whether any criticism can be legitimately offered where the Railway is concerned. I have nothing to say as far as the figures are concerned, but, this being the first time I have been a member of this Council while the Railway estimates

[Dr. Rana] have been debated, I want to see whether the Railway do listen to the complaints of the people or not.

I want to point out two things to the hon. General Manager for his very serious consideration. One is on behalf of the people that I have the honour to represent, and they are the residents of Mariakani, Mazaras and Mackinnon Road. Due to the shortage of water, this Council last year approved the provision of certain water facilities in those areas which I hope the hon. Director of Public Works will give first priority to. But the other point which I wish particularly to draw the attention of the hon. General Manager to is that, whereas he used to give relief to those residents and provide them with water at certain rates, I am sorry to say that last year that facility has been taken away from those people, and I would request that in the case of an acute shortage of water the Railway should not deprive the people of water, when they are quite willing to pay not only a small amount, but even up to a fairly reasonable figure—a figure which the Railway considers reasonable to charge for water. I was there myself last year when the people wanted to buy any amount of water, and the station-master would not allow the water to be sold. I cannot understand the reason. Perhaps there may be some legitimate reason, but I think that from the humanitarian point of view it is the duty of the Railway, as it is the duty of everybody else, to give relief to people in time of difficulty.

There is another point, a small matter, and that is that now the war is over I hope the hon. General Manager will see—I am not speaking for myself—but I must say with all sincerity that as regards catering the department needs very careful looking into. It is the same monotonous food which is served week by week and day by day, and no one is more aware of the fact than we poor unfortunate members who have to travel very often from Mombasa to Nairobi and vice versa.

The second point is regarding accommodation. I am aware of the difficulty that the Railway has experienced during the war; we all bore it with quite good grace. But, thank God, those days are over, and I hope the hon. General Mana-

ger will see that the members who travel on public duty at least get a reasonable compartment where they can spend the night in comfort. I am not only voicing my own feelings, but I am sure some other hon. members of this Council who travel from Mombasa have been put into the same awkward state. The war is over, and I think that some facility should be provided for members both in the way of sleeping accommodation and food.

With those few points—I do not want to waste the time of this Council and go over all the grievances—I support the motion.

SIR REGINALD ROBINS: Your Excellency, first of all I should like to express my appreciation of the way in which my budget has been received, and also of the wishes which have been expressed and the personal congratulations to myself I am very grateful, and I express my thanks on behalf of myself and my staff.

In replying to this debate I hope I may rely on the courtesy of the Council and the permission of yourself, sir, to exceed by a few minutes the usual time, as a number of questions have been asked and I should like to answer them as fully as is possible.

First of all, I will deal with the questions which were raised by the hon. Member for Nairobi South. The first question which he raised was on the question of the renewals and the renewals fund. I have already in this Council pointed out that the present contribution to the renewals fund falls short of the contributions which would be required on a full life basis, assuming that we have based the lives correctly, by £50,000 per annum. That in itself is quite a serious problem which requires consideration. There is, in addition to that, a factor which has been introduced by the intensive use of a greater part of our assets during the war and, as I said last year, it was my intention to set up a technical committee to review that aspect in detail. The committee was appointed. It is a long and rather difficult job, and I am sure hon. members will appreciate that in these abnormal and uncertain times it is not easy to estimate what the costs of replacements are likely to be. However, the committee has almost finished its labours, and

[Sir Reginald Robins] I hope shortly to have its report before me for examination. After I have examined it I will make my recommendations to Railway Advisory Council. I think, as a matter of fact, it will involve an additional contribution to the renewals fund, but of what order I really cannot give any indication at the present time. I should also like to point out that we are a bit handicapped in this country in that we have only been going 50 years under tropical conditions, and one cannot always use the basis of the life of an asset in conditions applicable to north or north-west Europe, and assume that they will behave in exactly the same conditions in the tropics, so we have had to learn by experience, and our experience has not been very long.

In regard to what is called the military rates, it is impossible for me at short notice to give any precise figure of what the contribution amounts to. The rates quoted for military traffic were reduced to eight cents a mile, but there was an additional concession that, where the public rate was less than eight cents, the military authorities were allowed to use the lower rate, which rather complicates the question in assessing exactly what the contribution amounts to. On a very, very conservative estimate there is no doubt that these rate reductions which were granted as an assistance to the British taxpayer amount to two and one-third million pounds—(applause)—two and one-third million pounds. That does not include a direct gift of £665,000 which we made in the earlier part of the war, nor does it include half a million pounds lent to the British Government free of interest. I must say that I think this is an astounding contribution from the people of East Africa, and I often wish our critics of East Africa would bear this point in mind. I think it is a notable contribution from what can only be regarded as a comparatively poor country to the war effort of the British Empire. (Applause.)

The hon. member asked me about the question of labour at the Port and the relationship of the Railway Administration and the Labour Department. This is a matter which will take a very long time to explain, and which I personally have paid an enormous amount of attention to. I have tried ever since I came

back to Kenya in 1942 to facilitate the exposure of grievances and the removal of grievances, and have done a tremendous lot at the Port, as also elsewhere, by setting up welfare committees and welfare officers and giving very facility for the staff to make known what their grievances are. I must confess that in the last difficulty we had at the Port the facts are that the grievances did not really start in the Railway, but owing to the fact that I had set up machinery whereby grievances could be made known that machinery was used to expose other people's grievances. In addition to that, I had in all the larger centres arranged for shops in or near the locations, and those shops have been equipped, with the assistance of the Administration. We have a special officer appointed to see that supplies are made available of the necessities of life, not only for eating and drinking but necessities for clothing, and at Mombasa when things became extremely difficult indeed I released from our own stores cloth, khaki drill, which we had bought for making uniforms—I released that for sale through the shops at strictly controlled prices which brought no profit to the Administration, to facilitate for the Africans a supply of clothing. I think I must say that we have done a very great deal in this direction.

We are not resting on our laurels. The matter has been ventilated in the Railway Advisory Council and the Harbour Advisory Board, and was discussed in detail by me in London with the permanent officials at the Colonial Office, and I am endeavouring to obtain the services of a highly skilled officer, with knowledge of trade unionism and the traditional methods of railways to take up an appointment in my office. I have not quite decided on a title, but it will be something like "Personnel Manager." Unfortunately, the services of these people are rather difficult to obtain at the moment, but I have received an assurance and you, sir, as High Commissioner, have received an assurance from the Secretary of State and Colonial Office, that they are doing their very best to obtain the services of such an officer. I think that also will assist in dealing with these labour questions.

In regard to the question of relationship between the Railway Administration and the Labour Department, I have no



[Sir Reginald Robins]

hesitation whatever in saying that those relations are excellent. But there is a limitation, and the limitation is this: that railways have traditional and unusual methods in so far as staff conditions are concerned. The methods adopted by railways are common almost throughout the world, not only in the British speaking world but even when railways were operating on the Continent, and it needs men with wide experience and railway traditions to understand the difficulties and grievances which are likely to be raised by railway employees. That is why I am suggesting this particular appointment. There is another difficulty, and that is that the Railway is a part organization of two countries and serves three countries, and from each of the three countries—Kenya, Uganda and Tanganyika—we have labour, and of course we have to devise labour conditions for the people in those three territories. Therefore, one has to go very carefully in so far as dealing with the Labour Department in one particular country is concerned. For that reason I believe the right thing to do is to set up our own labour organization and arrange liaison between each of the Labour Departments of the three territories which we serve. (Hear, hear)

The hon. Member for Nyanza did not go into very great detail this year on the subject of Railway policy, or what he calls Railway reserves, and I do not know whether I can attribute that to the fact that when I went to London I found myself in the next seat to the hon. member on the plane, much to my shock, no doubt! (Laughter.) I also found myself sharing the same bedroom with him that night, and I did not commit murder, as you can see! (Laughter.) I think I exercised my gift for talking quite a bit between Kisumu and Cairo and I hope I have been able to persuade him that I am not quite the criminal he formerly thought I was. But the fact is this. In so far as Railway policy is concerned—and I should make this point quite clear—the hon. Member for Nairobi South last year asked me to give very serious consideration to a question as to how I could associate this Council with the general policy of the Railway, and particularly with its budgetary policy. I gave the hon. member an assurance that I would, when I prepared

the estimates and submitted them to the Railway Advisory Council, at the same time submit them confidentially to members of the Standing Finance Committee of this Council. That would give members at least a fortnight and probably a month in which, if they disagreed with any policy which was expressed in that budget, to have made known their view to their representatives on the Railway Advisory Council. Accordingly this year I adopted that arrangement, and I propose to continue it, and hope it has been found satisfactory in so far as members of the Standing Finance Committee are concerned. I would therefore say that I think, at times at any rate, I do try to listen to the desires of hon. members opposite and do something in meeting them. I am not going to argue about what are called reserves at all.

The hon. member asked me about the Transport Conference. First of all, I should like to point out that I myself am not responsible for the convening of this conference. This is a matter which is handled by the High Commissioner, and as three territories are involved the details are in the hands of the secretary to the Governors Conference. The plain answer is that the conference has not been called, no conference has taken place. I cannot give you the reason for that, but I would draw attention to this: that I myself was out of the territory for two months, and the High Commissioner was also out of the territory this year. It may be argued that the conference could have gone on in my absence, but I believe it was the desire of the Governor's Conference and the High Commissioner that it should be held while I was here. A further point is that the objectives to be attained by the conference were overshadowed at a later date last year by the publication of the non-parliamentary White Paper, which I assume will be debated some time, and in the course of that debate I have no doubt that the question of transport will come up. But I should like to say this, that one portion of the Transport Conference has been called for the 7th and 8th February of this year. That does not deal with the whole transport question, but with the road policy of the three territories of Kenya, Uganda, and Tanganyika.

On the question of road transport operated by the Railways, in that connection I should like to not only answer

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the hon. Member for Nyanza but also the hon. Member for Usin Gishu. First of all, I have expressed the opinion that it is the duty of the Railway Administration to look into the possibilities of inaugurating and operating road services in these territories. I cannot, of course, say whether the two areas mentioned are the only two I should think not. Nor can I say under what circumstances and conditions road transport could be provided in those areas. I did give an undertaking in this Council that as soon as possible I would have the question investigated, and I firmly intend to do so, but it is only right to let hon. members know some of the difficulties which have prevented us from doing very much in that question up to now. We already have a road service in Uganda, a service between Lake Kioga and Lake Albert, and during the war that has been a very, very important link between North and South Africa. We have had colossal difficulties in maintaining that service between those two lakes, not only difficulties in connexion with vehicles, spare parts, and all that sort of thing, but grave difficulties in regard to staff, and it was only a month or two ago when I was really afraid that the service would break down owing to inability to obtain trained officers to operate that road service. Fortunately we got some assistance from the Army in the release of officers and we were able to get together a staff to operate that, particular service, but except for the officer in charge the staff to some extent is still very transitory and temporary.

If we were going to investigate the possibilities of a road service elsewhere, one thing I should want, and the superintendent of the line would too, would be the very considered opinion of the officer already responsible for operating the road service. In the present circumstances I could not possibly contemplate withdrawing that officer to carry out those investigations. A further point is that the staff of the superintendent of the line has been depleted, and it is being steadily depleted by reason of ill-health, and we have not been able to obtain replacements. Quite recently I learned that the Colonial Office had been able to find one suitable senior officer, and I am hoping that when that officer comes we may be able to conduct some

of these investigations into road services. As far as my policy is concerned, I would ask my hon. members to draw an analogy with my history in Tanganyika. No one was so staunch an advocate for developing the Tanganyika road services than I was myself, and I think I can claim that it was due to my efforts and my organization that a road service was introduced in the Southern Highlands, and the one that proved so valuable during the war between Morogoro and Kirogwe. If you bear that in mind, it is reasonable to assume that I have still the same outlook.

One thing I would make perfectly clear so that no one will be misled on the question. The Railway is required by law to operate on business principles. Therefore we must devise a road service in such a way which covers costs. It must not be related to Railway costs because if you do so it means the users of the Railway are in fact subsidizing a competitive service, but it might not be unreasonable to ask the Government of the country for some sort of exclusive licence (laughter) for a period until, at any rate, we have recovered our capital. None the less, it does not necessarily mean that road rates must be high, or too high to be borne, but this is all a question for examination which I will have put in hand as early as possible.

In view of the interruption, I must make this point perfectly clear. It is the wish of the hon. members opposite that the Railway should operate as a business undertaking. It is they who said so in the Railway Ordinance, 1927—not me, I was not here; at least I was not General Manager. If you do not want us to operate as a business undertaking but turn us into a philanthropic institution, then let us have an amendment to the ordinance and debate it, and see if it is the wish of the people. If it is, I am perfectly prepared to carry out the wishes of the people. At the moment my work is laid down for me in the law (laughter), and I find great difficulty in resisting the argument that it is we are going to be a philanthropic institution as far as road services are concerned why not be a philanthropic institution so far as other services and uses are concerned. I can see no difference.

Now to turn to the point made by the hon. Member for Aberdare. It was

[Sir Reginald Robins] very glad to hear him say that this question of the General Manager's powers was reviewed in detail by the Railway Advisory Council and it was on their recommendation that the powers were increased. I was also pleased to hear that the hon. Member for Mombasa supported that decision. I must say that I was very surprised to see this question raised in Uganda. I do not propose to deal with it in detail, but there was one point not mentioned by the hon. Member for Aberdare which I think hon. members ought to know. In the first place, the proposal did not come from me but from an unofficial member of the Railway Advisory Council. Let me emphasize that an unofficial member of the Railway Advisory Council. Secondly, I think the Railway Advisory Council have taken into account the fact that when the maximum of 1750 was fixed the railway was about 570 or 580 miles long, to-day we are operating 1,000 miles. Furthermore, that amount was fixed in 1922, and all will agree that the value of money has changed considerably between 1927 and 1946. I believe the decision was the correct one and was, in fact, in the interests of the people of these territories.

Turning to the realignment proposals which were mentioned by an hon. member. I have already given the assurance to the hon. member, and the Railway Advisory Council has, I think, endorsed it, that before any decision is taken there will be an opportunity of hearing any objections which may be raised or any alternative proposals which may be put forward, and let me explain how that will be done. I cannot, of course, commit this Council and I cannot commit the High Commissioner, but I assume that the procedure will be something like this. The matter will be reviewed by the Railway Advisory Council, they will decide whether it is right and proper to go forward with this alignment or to adopt an alternative or whether it is right and proper to leave the position as it is. Here, again, I should like to emphasize as head of your railway that it is my duty to carry out the wishes of the people. If you make up your mind that you do not want this or that, I shall either carry out your wishes or get out, and I am prepared to accept that position. I shall do my best to point out

what are the consequences of your desires or wishes, for if it is your wish you should know what is the effect of these things which I can tell you after a lifetime spent in railway work. On the assumption that the Railway Advisory Council will accept, reject or amend, my intention is to ask the High Commissioner to prepare a White Paper to be submitted to this Council and be open for debate. Furthermore, it is a necessity falling on me that before the alignment can be carried out I have to obtain the assent of this Council. The reason for that is legal: no new railway in Kenya can be built without the assent of the Legislative Council of Kenya. It has been held that this is a new railway, and I think rightly held, so that there will be an opportunity for every person who wishes to make objections or raise questions to have them ventilated in this Council, which I think is the right place for such consideration.

I will now turn to the questions raised by the hon. Member for Mombasa. I am very sorry indeed to hear him raise these questions. I must say I wondered at the end whether he really meant his congratulations or whether he did not. The reason why I say I think it is a pity this was raised is that you will remember that, at the last budget debate, I pleaded that where questions of this sort involving discipline of the staff were raised, hon. members on the other side should talk to me, as also a member of this Legislative Council, and hear what I have got to say about it. If they disagree with me I should raise no protest whatever if they raise it in Council and make as much fuss as they like about it, but I do think it is a little bit unfair on me to come into this Council and hear members on the other side raise all sorts of questions which affect the discipline of my staff. I am sure the hon. Member for Mombasa could not operate his business without discipline any more than I can operate mine without discipline. I certainly cannot, and unless I am going to be supported and helped by the hon. members opposite, then I say chaos is bound to be the end. It can be nothing else but chaos.

In this particular case there is machinery for the exposure of these grievances. In the first place, I have always not only accepted but recognized the trade

[Sir Reginald Robins] unions of the employees—in this particular case the European Civil Servants Association, the Railway branch. I regard as a trade union. I not only recognized but encouraged it; definitely encouraged it. I have suggested that all these grievances should come before that union and that they should be represented to me and that I would deal with them, and deal with them personally, and that I would answer them. If they are not satisfied, then there is still another course. I have set up a staff advisory committee which meets once a quarter, and on that staff advisory committee are three representatives of the management and three representatives of the men. So that if the representations made by the union are turned down they can raise them again at this staff advisory committee. Then there is still one further appeal. If they are not satisfied, then they can appeal to the High Commissioner. If they are still not satisfied they can appeal to the Secretary of State. Goodness only knows, there are plenty of means for exposing grievances of this description. Have they taken advantage of them? Not in the slightest! I have never heard a word about it until I heard questions being raised in the House of Commons in London. I am very sorry indeed that those to whom the representations were made did not immediately find out the channels by means of which these grievances could be known and ask whether those channels had been used.

However, let me deal with the points raised. First of all let me deal with the fines, and in connexion with that I will answer the first question raised by the hon. Member for Nairobi North. My powers in regard to fines are limited to a quarter of a month's pay and in certain cases, based on an agreement, that I will still further limited to Sh. 100. Let me say here and now that it is utter nonsense to say that a man was fined £50. There never has been such a fine; there could not be such a fine. What are these heavy fines imposed for? They are imposed because the men have ignored regulations on which your life and mine depend. I would ask each member for Mombasa what happens in his company when one of his ships is run ashore. What happens then? I suggest a very

much more drastic punishment than a fine of quarter of a month's pay or Sh. 100: very much more drastic punishment. This means in our case a man has gone into the section without a tablet. In Great Britain the punishment is much more severe than it is in this country, and if we are going to encourage this sort of thing, then our standard of safety is bound to fall.

It is argued that this is due to physical tiredness. I have very grave doubts as to whether that is so. In any case, provision is already made for that in regard to medical inspection. A man can ask for a medical examination and so on, and I do not accept the argument that it is due to physical tiredness. But there is a tremendous increase in the non-observance of these regulations which are designed for the safety of you and me and all the users of this Railway. What is more, the conditions are not so onerous here as they are in the United Kingdom. Here we operate on a single line, in the United Kingdom a driver may operate to-day on a double line, tomorrow on a single line. Yet if he fails over the observance of these safety regulations a very severe punishment is imposed upon him, mostly by a reduction in pay, or oftentimes by dismissal. That punishment is not imposed only by the Government administration; it is imposed as a result of recommendations by the Government Inspector of Railways. As I have said, there is already machinery for the examination of any appeals, and I have myself a perfectly clear recollection in my mind of examining three appeals: only recently on this particular question, one of which I had to uphold and two of which I mitigated, either by a reduction or by remission of the fine.

Let me now turn just for a minute to the question of leave—

SIR ALFRED VINCENT: I do not want to interrupt the speaker, but it seems that he is trying to beat the clock, and I think it is most unfair.

HIS EXCELLENCY: I think the hon. member's preliminary remarks indicated the hope that he would not be required to beat the clock, but would have the right to go on until he had finished in his own time. If it is the wish of hon. members, we could to-day go on rather longer than usual—I think perhaps the

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hon. member feels he has, say, quarter of an hour to go?

SIR REGINALD ROBINS: Yes, sir.

HIS EXCELLENCY: If hon. members feel we could adjourn the debate, I think it would be more convenient perhaps to deal with the thing in that way?

SIR REGINALD ROBINS: I am prepared to go on if Council has no objection.

HIS EXCELLENCY: I think the point is that there is no need to hurry.

SIR REGINALD ROBINS: I will deal with the question of leave. That I have dealt with rather fully in paragraph 137 of my annual report. This restriction in so far as leave is concerned is not confined to railway drivers, it applies to all the operating staff of the Administration. May I, with all due modesty, say that it applies to me myself. I am not asking the staff to do something I am not prepared to do myself. I myself have spent seven and a half years in this country with one month's local leave, and out of that seven and a half years three were spent in Dar es Salaam, which I do not think hon. members would regard exactly as a health resort! Therefore I am not asking other people to do what I am not prepared to do myself. I can only grant this leave by reducing the train service. If I reduce the train service it means we must slow down the demobilization programme. In other words, our men from East Africa who are now in Burma and other unhealthy places have got to remain a bit longer because of our inability to handle the traffic. I am perfectly convinced that 90 per cent of my fellow railwaymen are only too anxious to put off all question of leave in order that these troops may be brought back to East Africa. I am sure there is only a small minority which is making a fuss about leave. It has nothing to do with transport outside this country.

There is another small question I should just like to mention and that is the question of hours of work. I agree that in so far as drivers are concerned sometimes the hours of work are very long. It is a matter of discipline. The men, of course, are paid overtime, and a great many men raise no objection at all. I am doing everything within my power to reduce the hours of work, but the railway is not stationary; it is

dynamic. I cannot say: "I will come to a decision on this to-morrow"; I have got to decide to-day whether a train has to get through to its destination and I have to tell the driver to go on. I think the majority of them are only too willing.

I will try and answer three questions asked me by the hon. Member for Mombasa. I have already dealt with the question of a maximum fine. The second question was, have they the full right of appeal. They have full right of appeal, and appeals are not personally, and I am required to consider them. Any man can appeal to me. When an appeal, you will realize it means an appeal in writing. I cannot interview all sorts of men all over the line when they have the right to appeal to me. If I find a case where such right of appeal has been withheld from a man I shall take it up. It is inherent in the railway tradition that the men have the right of appeal to the General Manager. I have considered hundreds and hundreds of appeals. They have still an appeal beyond me. The hon. member asked me whether I favoured the fining system or not. I do not favour the fining system, but it is a matter I have gone into in great detail and it would take far too long to explain all the reasons for and against, but in a country of mixed races fining is the only practicable system. When you suggest that it might be replaced by suspension, my answer is it is not practicable. For instance, I am sure my hon. friend would be most annoyed with me if when he went to have his morning cup of coffee he found there was no milk, and when he made inquiries I said: "Awfully sorry, old fellow, but the driver of the milk train has been suspended this week, and you will have no milk until next Monday when he comes back." It is not a practicable proposition. There are certain members of the staff who would take a holiday without pay. Therefore fining is the only solution.

Coming to the question of basic rates of pay, it is a fact that in Nairobi the basic rate starts at Sh. 18 in actual cash, but there are war bonuses on top of that. Rations, which we issue to the staff, are valued at somewhere about Sh. 10 a month and housing, although it is shown at Sh. 4, is worth very much more. In fact, the other day when I examined the

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position I reckoned that the cash value of the minimum wage being paid by the Railway in Nairobi was Sh. 37/50. The only reason I have not altered that in the estimates is that it fluctuates; the value of rations fluctuates owing to market conditions and so on. One of these days when we get back to some degree of stability we can rectify that position. I think the hon. member can rest assured that they are well above the minimum wages laid down by the Labour Commissioner.

To deal with the questions raised by the hon. member Mr. Mathu, he is not quite correct in saying that in the talk I gave in Pumwani Hall I called it the African railway, although I see no objection to the use of that title at all. My talk was entitled "Your Railway," and the object behind the talk was to point out to the workers and to the users that it is their railway, and that it is to the best of my ability being operated in their interests. As, of course, in this country the African population is in the majority, that was translated, or could be translated, into meaning an African railway. What I am really trying to get at is that it is not my railway, I am trying to operate it on behalf of the people to the best of my ability, but it does not belong to me. It makes no difference to me whether it pays or loses; I am trying to do the best I can for the people of this country. Therefore you will appreciate that I do realize that the African has to be considered, and I am trying to do all I can to make things a bit easier for him. I agree there is overcrowding, but what am I to do? Is it better for me to allow Africans to have a ride in overcrowded trains or not to have any ride at all? I believe it is to the interests of the African to allow him to go about in his own way. I contend it is too bad, but it is better for him to have a ride in crowded trains than not to be able to travel at all, and when the hon. member asks me to stop overcrowding, the only way to stop it is, when the coach is full, to say to the others: "You cannot go," whether they have any urgent business or not. That would not be in their interests.

As regards the minor annoyances which confront Africans when buying tickets, I am sure hon. members realize

that in an undertaking of this size, which even in these days is regarded as being a pretty large undertaking, it is impossible for me to know all the details of what is going on, but any representations he or anyone else likes to make will be investigated. It is the policy of the Administration to treat our customers as well as we can, irrespective of colour. They are our customers and we are out to do our best for them, whether they are black, white or brown.

He asked who would be the judge in regard to labour. I think I have a fair reputation throughout this country and I suppose that in the last resort, in so far as the railway is concerned, I should be the judge, but we have standards to work to. We know the standard of work of the European and Asian railway employees, and when the African gets somewhere near that standard—we can tell whether or not that he is improving or not. I can assure the hon. member that any material improvement in the work the African does will be adequately rewarded so far as the Railway Administration is concerned, and I am sure I am speaking on behalf of the Railway Advisory Council and the High Commissioner in saying that.

He and the hon. member Mr. Shamsud-Deen raised rather a difficult question about pay. They said, why should the African or the Asian be paid a lower wage than the European for doing the same work? First, I am assuming his argument is that the work is done to the same degree of skill and responsibility and so on. It is not awfully easy to explain, but there are economic reasons. It would take far too long to go into this at present, but the short fact is that the wage scales of this country must be based on the African economy; they cannot be based on any other economy, because if you try to base it on any other economy disaster is in front of you. I will try not to be too technical about this, but the fact is that you must base these wage scales on African economy but until such time as you can obtain, wholly or to a very great extent, very highly skilled workers from the industrial people of the country, you are bound to pay wages which are not based on African economy but which are based on economy outside this country. Therefore, to get European wages you have got to

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 the base your wage on European economy; to get Asians you have got to base it on Asian economy. The hon. member Mr. Shamsud-Deen says no one has attempted to explain it. I have tried to condense it into a very few words, and I hope I have got the idea over. The reason why there are differences in wage scales has nothing whatever to do with colour; it is all to do with economics. I know some hon. members on the other side do not like my reference to economics, but it is inevitable in this very imperfect world in which we live.

The hon. member Mr. Mathu also raised the question, why do we use two different classifications—grades and classes. I cannot answer the question, but if the Africans prefer grades rather than classes I have no objection. There is nothing sinister in the use of the two terms! (Laughter.) Then he talked about opportunities for Africans. We have made a very noble contribution in that respect, for 80 per cent of the staff employed by this Administration are Africans. That is a tremendous increase from 21 years ago when I first came to this country. Therefore the African worker is the backbone of the Administration's staff, and there is nothing to prevent the African from developing and attaining the jobs he desires—station-masters and so on. I am only too pleased to give him the opportunity.

Dealing with the hon. member Mr. Shamsud-Deen's points, which I had some difficulty in following, one of the major points was that in spite of the fact that he gets up and speaks every year it does not do any good at all and is simply a waste of breath. I must say the hon. member's memory appears to be extremely short, because I remember when I came back in 1942 he was agitating very strongly over what he thought was a grievance of over 600 workmen employed by the Administration in that they were employed on daily-paid terms and had no privileges of overseas leave and so on. I investigated that, and as a result of the point he made in this Council 600 men were admitted to the permanent establishment. Is not that an indication that I listen to what hon. members say? (Laughter.)

He also raised the question about the Railway being a monopoly. It is not a

monopoly, and the fact is that road transport is permissible in this country. I am not responsible for restricting road transport. I am not represented on the Transport Licensing Board, I can do nothing if the board in pursuance of Government policy decides to flood the whole of the country with road transport. All I can do is to point out the effect, but I cannot stop them. How can you then say the Railway is a monopoly? It cannot be. In the same way regarding the present air transport, we cannot stop it. I do not want to, but I cannot even if I wished. How, then, can you call it a monopoly? We are in no different position from railways operating in other parts of the world. All countries have methods of regulating transport, and we operate under similar conditions. It is, of course, a fact that no other railway can operate in this country; a decision which was taken with the consent of the people.

Then he raised the old question of customs duty, which I think I dealt with fully last year. The fact is that if you impose customs duty on the railway the Administration passes it on to the user, and if you wish to do so I have no objection, but it is a most unwise course. He also raised the question of the introduction of an intermediate class. No doubt in India the hon. member will find that the Indian railways themselves, owing to the cost of operating different classes of passenger travel, are doing their best to reduce the number of classes, if possible, to two, and if you press for the necessity that there shall be a fourth class it can only be done at the cost of a rise in fares. I believe, however, that the point he has made can be met in a different way, but it cannot be met just at present. I am having the whole question investigated, but it depends a great deal on the delivery of rolling stock. In regard to the question of accommodation for women, the Railway Administration adopted that policy before the war, but under the stress of conditions during the war it was unable to maintain it. If it is the general wish of users of the railway, once we get back to something like normal, that we should reserve accommodation for women, I am willing to do so. Whether we can get the women to use those compartments is quite another matter! (Laughter.)

[Sir Reginald Robins]

Finally, to deal with the questions raised by the hon. member Dr. Rana. I think I have already given evidence in the course of my speech that I do try to make notes and listen to complaints made by the people whom I serve, and that I do do my very best to meet them provided it is not to the detriment of the majority of the users of the railway in this country. He has raised the very difficult question of water. Unfortunately, the hon. member is a comparative newcomer to this Council and has not heard the discussions on this subject, but the fact is that the Railway Administration has the biggest problem on earth to get enough water to keep the railway running, and we cannot undertake to provide water for the general population, nor is it our duty to do so. I am sure the hon. Acting Chief Secretary will not object when I say that the provision of drinking water is a matter for the Government and not the Railway Administration, and while I am quite prepared to assist so far as lies in my power, I cannot insist to the extent of cancellation of trains for lack of water. The only way to provide water supplies in the areas he referred to would be to cancel trains in that area, and the people he represents have already made representations to me that the train services for that area are inadequate. I believe they are, although I cannot do anything to assist them at the present moment owing to the shortage of water. It would only add to their difficulties if we provided drinking water because it would mean cancelling one of the trains running now.

Then he raised the question of catering. Well, sir, I do not think any of us, not even myself, understand all the difficulties which have arisen during the war for those who are responsible for the provision of catering services, and particularly the catering service on a moving train, which is quite a different thing to a fixed hotel. I do know that the Assistant Superintendent who is responsible for the catering has been beset with difficulties for the last five or six years, and I think it is a very marvellous effort to have done as well as he has in view of the shortage of cutlery, plates, cups, and so on and that he often could not get fresh meat, vegetables, etc. (Mr. COULDREY: Or whisky!—or whisky!)

am quite sure that every effort will be made as soon as we get back to normal to provide a suitable catering service for all types of communities, and that is the most I can promise on that question. On the question of accommodation, I fully realize that there are grave difficulties, and hon. members opposite will also realize that I am tied down by the fact that I am not permitted by law to encourage the segregation of races. There is only one answer to this question of accommodation—to get some additional rolling stock. The staff of the Administration have been improvising for years and have done a marvellous job, but there is a limit to what they can do, and they cannot get a quart into a pint cup. We have made a jolly good shot at it, but just cannot do it.

That, I think, concludes my remarks, and I do hope I have given adequate replies to the questions which have been asked.

The question was put and carried.

#### ADJOURNMENT

Council rose at 1.25 p.m. and adjourned till 10 a.m. on Wednesday, 9th January, 1946.

**Wednesday, 9th January, 1946**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 9th January, 1946. 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 8th January, 1946, were confirmed.

**PERSONAL EXPLANATION**

**SIR REGINALD ROBINS:** Your Excellency, I beg to ask leave of Council to make a personal statement about a point arising from my remarks yesterday.

**HIS EXCELLENCY:** Such a procedure is authorized by Standing Rule and Order No. 50, and I take it hon. members have no objection to the hon. General Manager making his personal statement.

**SIR ALFRED VINCENTI:** No, Sir.

**SIR REGINALD ROBINS:** On my return to my office yesterday it was suggested that my remarks in the course of the debate regarding the fining of drivers might be capable of being misunderstood or misinterpreted. I said in the debate that it was nonsense to say that a man is fined as much as £50 at a time. This is a correct statement regarding drivers, whom I was then discussing. There was, however, a case of a foreman in the workshops—not a driver—who was called upon to forfeit one month's pay, approximately £45, in exceptional circumstances. It is correct to say that, save in very exceptional circumstances, especially arranged to meet particular cases of which the men have been made aware, fines exceeding one-quarter of a month's pay are not imposed and cannot be imposed by heads of departments.

**BILLS****FIRST READING**

On the motion of Mr. Foster Sutton, the following Bills were read a first time:—

The Hindu (Marriage, Divorce and Succession) Bill.

The Income Tax (Amendment) Bill.

The Coffee (Marketing) Bill.

The Mirea Control Bill.

The Transport Licensing (Amendment) Bill.

The Bills of Exchange (Amendment) Bill.

The Land and Agricultural Bank (Amendment) Bill;

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

**DRAFT ESTIMATES: KENYA AND D.A.R.A.****STANDING FINANCE COMMITTEE REPORT**

**MR. SURRIDGE:** Your Excellency, I beg to move: That the Standing Finance Committee report on the Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya and of the Development and Reconstruction Authority for 1946 and the Draft Schedule of Loan Expenditure be adopted.

I find myself in rather a difficult position to-day, for I am moving a resolution recommending the adoption of a report of a committee of which I am not at present a member. Members of this Council are aware of the circumstances in which the Governor left, which put our titular chairman on a somewhat higher plane and also, incidentally, made me lose my place on the committee. Then the Acting Financial Secretary proceeded on leave before the report was signed and I, as the junior official member of the committee, was left to carry on the good work. Incidentally, I suggested to my hon. friends the Members for Mombasa and the Coast that they should take the job on (laughter), but they refused, I imagine because they would not then be able to criticize and life would become a bit difficult. Finally, Archdeacon Beecher left to go on leave to the United Kingdom. It is particularly unfortunate that the hon. Acting Financial Secretary, who was the Chairman during the whole of our deliberations, is not present. To have a motion of this type without him is rather like playing *Hamlet* without the Prince.

The committee was faced with a formidable task. The immediate reaction of those who saw the budget for the first time was that recurrent expenditure seemed to be getting out of hand, and

(Mr. Surridge) will remember that the Acting Financial Secretary gave us a warning on the subject during his speech. When the debate was in progress most of the members on the other side of Council expressed the anxiety which they felt over the financial position of the Colony, although I must point out that this did not prevent them from pressing for increased expenditure on their own particular hobby horse, or at least asking that the expenditure provided for that horse should not be reduced. Even my hon. friend the Member for Nyanza has not been able to refrain from asking for increased expenditure on the Police Force.

Well, that was the position with which the Standing Finance Committee was faced when we began our deliberations—a definite call for economy on the one hand, and on the other demands for increased services, or at least a continuance of all essential services. Hon. members will see the result of these deliberations in this very lengthy report, consisting of 73 pages. May I here pay a tribute both to our chairman and to my fellow members, who gave up so much of their time and displayed so much patience during this my first meeting of the Standing Finance Committee on the Estimates. There was, as must be the case, a certain amount of give and take at various stages, but the report is, except for one or two matters, unanimous and represents our joint views.

If hon. members will look at paragraph 3 of the report they will find a brief statement to show the net result of our deliberations. In short, the gross revenue estimates are down by £67,107 and the gross expenditure estimates have been reduced by £11,139, despite an increase of £50,000 in the Colony's contribution to D.A.R.A., with the result that the estimated surplus for the year has been raised from £9,299 to £53,331. The D.A.R.A. estimates have been reduced by roughly £400,000 on both sides. We have recently had a further look at the result of the 1945 financial year and find that the expected surplus as at the 31st December, 1945, will be at least £150,000. That is the figure provided in the estimates.

Now there was, as I have said, considerable alarm at the growth of our re-

current expenditure and the secretary of the committee, in an attempt to give us a true picture, produced sets of tables to analyse the recurrent expenditure of 1939 as compared with that for 1946, and the result is as shown in Appendix A, items 1-3. They are not supposed to be strictly accurate, but are given as a picture which will repay careful study. We have added to the footnotes to the financial statement in an endeavour to make clear our financial position to the world, or rather to those people who take the trouble to examine our estimates.

Referring to paragraph 4b of the report regarding widows and orphans pensions, members will remember that the Acting Financial Secretary stated that the hon. Member for Nairobi South only asked for the difference between the contributions to the fund and payments from the fund to be inserted on page 7, and that the hon. Member for Nairobi South could not deny it. I understand from the hon. Acting Financial Secretary that his impression is completely wrong, and on reference to Hansard he found that the hon. Member for Nairobi South has always pressed for as accurate a picture as possible of this particular contingent liability to appear in the financial statements this year. He regrets having made a statement to the contrary.

The revenue estimates have not been greatly changed. We have taken off a little here and put on a little there, but in the end the change is not important. We have allowed for some decrease in revenue from import duties on food and drink, while we have increased the estimated revenue from excise duties. We have reduced the sale of stamps by £20,000, and the revenue from the Machinery Pool by a similar amount. In the aggregate the net reduction is about £67,000.

Now for the expenditure estimates, which my hon. friend the Member for Nyanza considered should be reduced by a million pounds. I should like to take this opportunity of thanking him for coming along to assist us in our deliberations and for giving us some useful help over the War Expenditure, Civil, head. Well, despite this assistance and despite the transfer of several items to D.A.R.A. we were unable to get our total expenditure down by more than £110,000. I think if hon. members look at paragraph

[Mr. Surridge] 2 of our report they will see the reasons. At paragraph 9 a suggestion is made with regard to future estimates. On reflection I am not sure that this goes far enough, and I put forward for hon. members' consideration a suggestion made by Your Excellency that we should first of all lay the Draft Estimates on the table, say on a Thursday or Friday, then have the Financial Secretary's speech on the following Tuesday. Then we could have that speech printed and circulated to members at once, and we could begin the budget debate proper on the following Monday. We should welcome members' views on these two suggestions.

Members will notice in the report certain increases in the salaries of some K.E.C.S. posts. They will remember that this question was first of all mentioned in the report of the K.E.C.S. Committee (1944). These scales were referred to the European Civil Service Advisory Board who adopted them with some variations. The Standing Finance Committee in their turn accepted them and they will be included in the final Estimates.

I will now turn to some of the more important items on the expenditure side.

First of all, I would ask hon. members to turn to paragraph 100 and 109 of the report regarding the two inquiries proposed into the method of financing education and medical services in the future. These two heads show alarming increases and, as stated in the report, the minimum demands of the Education Sub-committee of the Development Committee amount to an increase of £500,000 recurrent expenditure in five years time, plus 2 millions capital expenditure. Our alarm is certainly not unreasonable.

Administration, paragraph 57: The four posts of Assistant Directors of Agriculture, Natural Resources and Animal Husbandry have been reduced to two posts in an acting capacity as an experiment, and have been transferred to D.A.R.A., Agriculture.

Agricultural Machinery Pool: Paragraph 85 is quite clear on this point. We are satisfied that this concern must go on at a loss this year, but we are also agreed that it should be wound up as soon as possible.

Education, paragraph 124: The question of African teachers' salaries was raised by several hon. members during

the debate, and was later discussed by the Acting Financial Secretary with the hon. Chief Native Commissioner, Mr. Beecher and the hon. Acting Director of Education. Their proposals, which were practically unanimous, have been accepted by the Committee, two points being left over for further consideration by the Government.

N.L.T.D., paragraph 128: The Government much regrets that it has not been found possible to begin courses for school boys yet at this institution, as it has to be used for courses for ex-soldiers this year. The Director of Training has, however, promised to find other accommodation in the course of the year, and the Education Department will be able to begin again next year.

Local Government, Lands and Mines, paragraphs 159 and 160. Provision has been made for the reorganization of local government and health services and for the amalgamation of the departments of Lands, Surveys and Mines proposed in their Particular Paper No. 6 of 1945.

Police: The Standing Finance Committee were particularly anxious to ensure that there were sufficient European police officers in the force, but left the proposed new establishment unchanged, as it seems most unlikely that the Commissioner of Police will be able to fill all the vacancies during 1946. As regards the Supplementary Police Force (paragraph 268) details are as under:—

Northern Frontier and Turkanas, £66,000; settled areas, £27,000; military guards (this expenditure is reimbursed by the Services), £27,000; total, £120,000, with £27,000 reimbursement.

The Standing Finance Committee feels that the Government must make up its mind during 1946 as to how much of this Force is to become a permanent part of the force.

Information Office, paragraphs 275 and 276: The Committee recommends that the European and Indian sections of the office should be closed down and that the rest of the office should be re-organized as a venue of information for Africans. The Committee feels strongly that satisfactory progress will not be made in the reserves until the Africans are made to understand, by propaganda and precept, what they have to do and that there is no easy path to success.

[Mr. Surridge] Price Control, paragraph 277: I have spoken to the Price Controller regarding the Standing Finance Committee recommendation on this point, and he has agreed that for 1946 he will concentrate on the essentials of life, including native foodstuffs. He also agreed that whisky should be included amongst the essentials of life!

Taveta and Ziwaya: Members will see that the Standing Finance Committee were rather disapproving, to say the least of it, over these schemes, and have asked for a full report. We propose to have a meeting in February, and possibly earlier, to go into the matter carefully and to make recommendations for the future.

D.A.R.A.: There is little that I can say on this head that was not said by Your Excellency during the Estimates debate. The position is clear, at least in the minds of the Standing Finance Committee. I should like to repeat what I said on this subject during the debate on Sessional Paper No. 3 of 1945. I said: "It is absolutely essential if this Colony is to prosper that our national income should be considerably expanded, in order that the Colony can be in a position to pay for itself the increased expenditure which is so urgently needed. In the transitional period it is hoped that something of the order of one to two millions a year will be spent over seven to ten years (and here I would stress the importance of this proposal, the first in our history, to put in large sums of capital expenditure in place of the paltry hundreds or even thousands put in in the past), and by then the prosperity of the inhabitants should have improved so much that they will be able to bear the annual recurrent costs involved."

There is one further point. Many members fear the prospect of another slump. We should be in a better position to face that, for the revenues will be aided first by such development as we will be able to undertake in the period, and secondly by the funds which we shall continue to put into the country and, again to quote my speech, "if, after this period, the country has not reached a reasonable state of prosperity, it will be necessary to reduce our expenditure and to cut our coat according to our cloth."

Your Excellency, to sum up the views of the Standing Finance Committee, we have the money, we have the will, we shall get the tools and the staff, and we are convinced that we have done all we can to put this magnificent country of ours on the right road to progress. (Applause.)

MR. FOSTER SUTTON continued.

HIS EXCELLENCY: There is just one point I might interpolate at this stage. If I heard the hon. Acting Chief Secretary might he said that the D.A.R.A. Estimates on both sides had been reduced by approximately £400,000. In fact, they have been increased! (Laughter.)

MR. COULDRAY: Your Excellency, I rise to oppose this motion. In doing so I regret that the final stage of passing the Colony's budget is based on the report of the Standing Finance Committee. I would very much sooner make my remarks and state my reasons for my opposition on the second reading of the necessary financial enabling bills, but we have to deal with things as they are and so, fortunately enough, I am going to start off by congratulations.

I am going first of all to congratulate the hon. mover on the way in which he presented the report of the committee, of which he stated he was not a member. The mere fact that he mistook a reporter for a member of the Government circles and is quite understandable and forgivable. I should also like—and I am also sincere in this—to congratulate the Standing Finance Committee on the work they put in. I have been many times a member of the Standing Finance Committee. I had to resign on this occasion not for the reason suggested by the hon. Member for the Coast, but for reasons which are well known to my colleagues. I do appreciate that they put in a tremendous amount of hard work, very hard work indeed. I know exactly what it entails, and because I know what it entails I was unable to take it on. In my opinion they did extraordinarily well with a budget which was not open to pruning, but which, if treated properly, should have been entirely recast.

It was probably a mistake on my part that when debating sending this budget to Standing Finance Committee I did not

[Mr. Coudrey] move a motion that it be put back to Government for entire reasting. However, had I moved it the motion would have met with an even worse fate than the amendment which I tried to move and would, of course, have been defeated, so in substance it comes to the same thing. But I am not only satisfied that the Standing Finance Committee did a lot of hard work; I believe they did good work. I think the report is the best got-up report I have ever seen, and I have been watching these reports for 20 years. Incidentally I did get out—or got my office to get it out, because I happened to be away at the Coast for a fortnight—the results of the deliberations of the Standing Finance Committee over the last 20 years, and the economies this Committee has been able to effect compare very highly with any of the preceding Standing Finance Committees. I also am quite satisfied that they had in mind the great necessity for economy. That, sir, finishes all the bouquet throwing that I am going to do.

Having said that I oppose, I must obviously give reasons for doing so, and I think perhaps the best example I can give you why I believe it is necessary somebody on this side of (Central) should register their apprehension at the rate in which the recurrent expenditure is increasing, apprehension which was shared by the hon. Acting Chief Secretary, the hon. Acting Financial Secretary (Mr. Troughton), as contained in the original Draft Estimates, when I point out to you that the personal emoluments plus the pensions almost equal the entire amount of our recurrent expenditure so recently as 1941. Personal emoluments to-day, the money we pay to the administrators and the Government employees, amount approximately to 2 million pounds and the pensions list will shortly amount to about £500,000 near enough, whereas in 1941 the total of our recurrent expenditure was only a little over £255,000—I am, of course, speaking in round figures.

HIS EXCELLENCY: £255,000?

MR. COULDBREY: £2,255,000. I am getting to be almost a Government servant at making mistakes! (Laughter.)

HIS EXCELLENCY: I thought I had better intervene before the process went too far. (Laughter.)

MR. COULDBREY: I think I made in the budget debate the point perfectly clearly how it is that this recurrent expenditure has gone up so much, but the hon. Chief Secretary in his speech, the concluding part, put it in a nutshell. He said "We have the money"—"We have the money". I think he said "We have a few other things as well. That, I submit, is the real reason why recurrent expenditure is going up so much. Although we have the money at the present juncture, I hope I shall not be out of order if I attempt to prove that before long we shall not have the money. I am not going to raise the thorny question of wartime taxation. I think it is significant that in the budget debate no member, as far as I recollect, asked for any immediate reduction of war-time taxation, but I submit that the time will come when we shall not be able to get the necessary revenue to account for this expenditure unless we go to heights, or depths, of taxation—I do not know the correct expression that this country cannot possibly stand.

For the last five years we have been living in what may be termed a fool's paradise. We have had tremendous sources of revenue which will shortly be dried up. To show how shortly that may be, I will instance the one big industry in this country, agriculture. Within the last three months the Chairman of the Creamery Board has found it necessary to warn his members that they must expect a reduction in the payments for their butterfat because they are shortly losing their local markets. The hon. Member for Agriculture warned us—I do not think in this Council—but in other capacities—time and time again that, as far as what is concerned, the price is above world market level and will have to come down. As regards another great industry, pyrethrum, the directors have had to warn their members that they must, when the present contract expires, expect a reduction in price. That is almost an immediate reduction. But I submit that the time must come in this country when we shall return to very much the state of affairs which existed before the war, when we depended almost entirely for the wealth of the country on the export of primary products, and when that time comes I do not believe we shall be able to obtain the revenue necessary for all this

[Mr. Coudrey] additional recurrent expenditure. I think that the Government think that way too because, as I pointed out before, the framers of the budget themselves said a halt must be called in this additional recurrent expenditure if serious financial difficulties were to be avoided. We all want to avoid serious financial difficulties. Possibly on this side of Council we want to avoid it more—I am not saying this in any unfair spirit—than hon. members opposite, because this is our home; we are not looking forward to being promoted anywhere else. This is our home, and we must look further ahead than the immediate future.

I am thoroughly convinced myself that there will be no serious financial difficulties in the immediate future, this year, or next year possibly, but inevitably if this growth in recurrent expenditure is allowed to continue serious financial difficulties must be met. At the present time, any country depending on agriculture is sitting pretty. Everybody knows there is a world shortage of foodstuffs, and at the moment to doubt we can pretty well sell everything we produce, but the mere fact of that, the mere fact that all over the world such intense efforts are being made or later (and it will be not too late) supply will again equal the demand and will then over-reach the demand. In this country of ours, which is a poor country intrinsically, in this country of ours we produce on a comparatively small scale, and only with one product do we produce on a sufficiently big scale to affect world markets; that is, pyrethrum. Everything else—tea, coffee, maize, wheat—of everything else we produce a comparatively small amount, and the amount we produce cannot affect the world markets. That means that in three or four years time—and I think these are four years in the limit—we shall again be dependent on what other people outside decide is the right price for our products, decide irrespective of our costs of production which must necessarily be high and are going higher. They must be high because we produce at something like 400 miles away from a port and have that amount of railage to pay for. Moreover, this country is not a well-watered country, it has no big rivers, it has not the benefit of any great irrigation schemes, and there is no doubt that in the last 25

years there has been considerable drying up among the streams, riverlets and lakes which were at one time considered permanent.

We are not on a good wicket. I say that in a country like that, when it has got over its lucky periods of having all this military money expended here, the right thing to do is to look for the very simplest form of administration. We must look for that, we cannot afford to pay for this tremendous increase which is going on and which has nearly doubled in five years. Therefore, believing as I do that it is necessary that somebody should call attention to this, that it shall go down on our records that some of us do foresee where we are going, and foresee that if we carry on like this the time is coming when we shall have such a great cry for the Geddes axe that no Government will be able to resist that cry; believing that, I have no alternative but to register my protest against the budget as it stands and call for a division and vote against it.

I oppose the motion.

MR. WRIGHT: Your Excellency, I wish to support the opposition registered by my hon. friend the Member for Nyanza. He has enumerated some of the points—I will add to them. To accept the budget as it stands is to accept the continuance of war-time rates of taxation which, in view of the pledges given in respect of all war taxation, I declare is a dishonest policy. There is one heartening thing to me about this report of the Standing Finance Committee, and that is the last footnote, which reads: "Messrs. W. A. C. Bower, W. G. D. H. Nicol, and A. Vincent have signed this report on the assumption that the proposed inter-territorial organization will not become effective during the year 1946; but, in their opinion, if the proposed organization, or one on similar lines is brought into being during this period, it will involve a complete re-est of the budget thereafter". I would consider that to mean that if those hon. members fear that these inter-territorial measures may, in the course of this year, be introduced, their proper duty would be to vote against this budget before us to-day. Logically, there can be no other way, a much more logical reason than that given in the paper referred to. I am not going to embark on that, believing we shall

[Mr. Wright] have ample opportunity of dealing with that document at another time.

The hon. Member for Nairobi South received answers from the hon. Acting Financial Secretary which I thought were disappointing in the main. It is fair to assume that Sir Henry Moore was perfectly honest when he explained the intention of the last clause as affecting these special war-time Ordinances introduced while he presided here. It is equally fair to assume, one knows, in fact, that Lord Francis Scott was quite accurate in his recollections when he stated that the expression "end of hostilities" was meant expressly to avoid the legal quibbles that followed their interpretation of the phrase at the end of World War No. 1. It follows, therefore, that if Sir Henry Moore had stayed in Kenya, there can be no doubt whatever that he would have made the necessary proclamation—(Mr. Cooke. Question.—And when peace came so suddenly he would doubtless have asked the indulgence of this Council to give Government a reasonable measure of time to adjust the war-time rates of taxation to more reasonable peace-time rates which we had every reason to expect. That expectation was cancelled out by the hon. Acting Financial Secretary in his forecast of what income tax would bring in. It indicated, in fact, that the prevailing present rates of income tax raised for war-time purposes would continue.

Some of the questions submitted by the hon. Member for Nairobi South were obviously framed to give Government adequate opportunity to declare either that the present tangle we are in was created inadvertently or, alternatively, that it was a trick savouring of a deliberate act. I suggest seriously that the answers given yesterday disclose the latter intent. In view of the fact that we have over 5 million sterling, I believe, in the kitty, why, pending the decision of the country at large (and I suggest the country will rise if the budget is passed as framed), why was that money not kept for a period of time until we had adjusted ourselves to peace-time conditions, when in the interim businesses could be rehabilitated, and above all farmers and planters have a fair opportunity to re-establish themselves in a way that during

war-time they have not been able to do. That at least would give the country and the people in it—the important producers in it at least—time to put their house in order. As has been suggested before, unless such facilities are given, the last stage of Kenya will be worse than the first.

To summarize the position as I see it, and perfectly frankly I state it, to vote for this budget would be to acquiesce in the *status quo* of Government; not only that, but also in certain dangerous proposals now in train. To vote against the motion is to record dissatisfaction with the present rule, and that, sir, is what I intend to do.

SIR ALFRED VINCENT: Your Excellency, I rise to wholeheartedly support the motion before the Council. (Hear, hear.) I do so despite the remarks made by the hon. Member for Aberdare when he stated that he thought that as I was a signatory to the footnote in this report, my solemn duty was to decline to vote in favour of the present motion. I would like to state as emphatically as I can that I have no fear that the non-parliamentary proposals will be forced on this country during 1946, because I, and also my colleagues, or most of them, will do our very utmost to prevent it. (Hear, hear.) I am so confident of that that I entirely ignore the exhortation of my hon. friend. For the very reasons which have been explained by the hon. Member for Nyanza, I, and I am certain my colleagues, have appraised this position and conditions existing to-day, and we realize that there is every good which we should for all of us to take the greatest care that we get down to the simplest form of administration to-day, and not when our difficulties arise. That is why the Standing Finance Committee took the greatest possible care to make that clear in their report, and I think there is very little in that report which can be "reasonably" misinterpreted. We all want economy, and that is why I supported the amendment of the hon. Member for Nyanza, to make it known that I, and most of us, know that we must have economy. We are at the crossing of the ways, we have an opportunity now of standing back and studying the position in its true perspective, and we intend to do it.

My question on war-time taxation was put in this way. I was requested to put

[Sir Alfred Vincent] by some members of my constituency, who thought that Government had been unfair in not withdrawing war-time taxation at the end of 1945. The integrity of this Council has been questioned. There is no doubt about it, and we cannot have this Council discredited. That is why I felt it incumbent upon me to put the question to Government, because Government had either to give a satisfactory reply or else to admit they were wrong and to tell us what they intended to do about it. One point which has struck me most forcibly is that we in this Council, at least since I have been here, have heard the hon. Attorney General say that the laws of this country need consolidating. I submit to him that not only has that great work to be undertaken but that we shall have to have an addendum to each Ordinance telling us what assurances "quality" each Ordinance, and we shall have to have a further addendum to tell us what is the "interpretation" of the "assurance" given in regard to any Ordinance. Then I submit we shall also have to declare an order of precedence arising out of the assurances, whether His Excellency the Governor, the President of Council, tops the list, and whether his statements carry greater weight on legal matters than those of the Attorney General or, on financial matters, than those of the Financial Secretary. How many times have I said in this Council: "If that is your intention, put it in the Bill." So far I have been successful in getting it done, with a certain amount of reluctance from the other side.

I do submit that we have ourselves to blame for the position which has arisen to-day, and when I say ourselves, I mean the members of Council present when these measures were passed, and if such great seriousness was attached to the word "hostilities" why was it that those gentlemen who attached this great importance to the word did not put it in the Bills—(Mr. Foster: Sutton: Hear, hear.)—and had it explained and interpreted as to what "the end of hostilities" meant?

I think that although Government have answered my Question No. 151 regarding war-time taxation, it is essential that a further detailed answer be given to the charges made against this Council by a

local league in a published statement entitled "Taxation by the Kenya Government—the plot unmasked". (Laughter.) Those charges, of course, as I have stated, also involve everyone who has been an elected member of the Council during the past five years. It is vital that the position be clarified, so that those who have any misgivings regarding the honesty of purpose of this Council can be immediately reassured. I would say that I do not want to put my hon. friends on the other side of Council to too great a strain in this matter. If they feel the answer given yesterday is full and sufficient and take their stand on that, I shall be satisfied that it represents their answer to the whole matter.

There is one further important point which I must stress, and that is that, although these questions have attacked, in my opinion, the integrity of this Council, I think it is quite impossible to believe that any member of these communities of East Africa, of Kenya, expects to get any one advantage over any other colonial possession by getting an early remission of taxation in order to avoid paying their fair share for the war and the reconstruction period that follows (hear, hear), because we have a reputation for fairness, and because this misunderstanding has taken place I think we are miserably and unable to face our just commitments in comparison with them.

There is another point that I must ask Government to explain, because it seems there is a mystery being made of it. Will they give details of how this extraordinary date, 24th February, arose? I know there is a reason for it, but I think Government should explain the reason.

We are all agreed—even those who are opponents of the gentleman appointed to carry it out—that a fiscal survey should be carried out, and I want Government to explain how the appointment of Sir Wilfrid Woods arose and how this fiscal survey is to be conducted, and in what way will the unofficial people of this country be associated with it. And can we have an assurance that the recommendations of Sir Wilfrid Woods will not be accepted by Government until they have been fully discussed and approved by this Council and thus by the taxpayers of this country?



[Sir Alfred Vincent]

Much has been made of the word "recurrent". The hon. Acting Financial Secretary stressed that point in dealing with the Estimates when he presented them. In facing facts, the only thing which is permanently recurrent is our moral obligation to our employees, because you can stop anything being recurrent by cutting down any particular service. I would like to make that quite clear, because some people think recurrent expenditure is unalterable, but I always explain to them that if the country is willing to cut down the services in the budget the recurrent expenditure can be reduced. On page 2, paragraph 7, of the report (I will only deal with the first part of it), it says: "To this end the committee recommends that heads of departments should be instructed to carry out forthwith such an investigation in consultation with their own officers, as a prelude to further inquiry". We want to make it absolutely certain that we are getting the best value for our money, and I would suggest that Government accept any offer of commercial experience in this matter and that it be used to this end, and that the commercial community be asked to suggest names of those who are both qualified and able to act as members of such a committee of inquiry.

The year 1946 holds great opportunities both for the constructive critic and the destructive critic—although any year is a good year for the latter! But it is now a great opportunity for the critics of this Council to assist by not only giving us advice and telling us what should be done, but just for a change suggesting how it can be done. (Hear, hear.) Indeed, had any member of this honourable Council, any editor of any newspaper, any ex-member of this Council, any association, any league or any union, or any member of the community, had they at this late hour been able to tell me constructively how this budget could be recast at a lower expenditure to the taxpayer, to give the services which the public demands and are getting in this budget, I should have voted against this budget to-day, but so far this inspiration has not been forthcoming from any of those sources.

A letter appeared in the Press this morning addressed to me by the Electors

Union, wherein they suggest that my colleagues and myself should press that this budget should only be for a six months period and that after that we should think again. I have ascertained that none of the executive of the Electors' Union were aware of the answer which was given to me by the Acting Financial Secretary yesterday. As I personally see it, we are both legally and morally bound to keep the present rates of taxation of this country on until the end of this year. There seems to me some considerable misunderstanding in the minds of people, because I see that one league in an advertisement, quoting a question which I asked at their request, say that the excess profits tax has now been adjusted "in accordance with the assurance", which means that they are satisfied. The excess profits tax, however, is being collected up to the end of 1946, and therefore I submit there is a great deal of doubt in their minds as to what they really do want, unless they have made a mistake in the advertisement which I have quoted! Legally, I am satisfied with the answer which was given yesterday to the questions which I asked. I think there is absolutely no doubt about it.

On the moral side, which we have heard so much about, let us go back a little, and I submit to you in all seriousness that if there had been no Lord Moyne despatch we should still be sending this money to England, and they would probably be putting it into a credit account to come back to us at the end of the war. I submit in all seriousness that, had that been the case and had this money now been going to England, nobody in this country would have said a word about wartime taxation going on to the end of 1946! We have obligations to the community to provide services during 1946. Those services are not what are demanded in total by the public. Those services are not (in their completeness) what have been asked for by heads of departments. The Acting Financial Secretary told us that he had cut them down in some cases ruthlessly, and then we have done our best (in the Standing Finance Committee) in face of all the evidence which has been produced, to cut them down to a point where we can reasonably carry on for the next year. But during the next year, as I pointed out, and as the hon. member

[Sir Alfred Vincent]

mentioned, we have a fiscal survey, an inquiry into the method of financing education, an inquiry into the method of financing medical services, an inquiry into the Police Force, and, I hope, an inquiry into the various Government departments. Therefore we have an opportunity now which has a double value, because we all know that there are a great many posts unfilled in the Government service to-day. If we come to the conclusion, either by reason of finance or by reason of the actual working in Government departments, that we shall have to retrench a lot of Government servants, then we shall be able to prevent misery in the future, because we shall probably be able to transfer them into posts which are now vacant, instead of sending them elsewhere or putting them on pension. So I regard 1946 as a period of time which we have been given to put our house in order.

It is claimed that our reserve is ample; that we have got a lot of money. On the other hand, we know that if we really think about it seriously, our building programmes for hospitals, for schools, for housing, our road programme, our native reserve programme, is at least 20 to 25 years behind. We have got all that to make up, and despite the fact that we have been told that we are bloated with money, I am going to make this suggestion to you, sir, as Member for Development and Reconstruction. In listening to the evidence before me in Standing Finance Committee, and knowing the feeling throughout the country for strict economy, and applying that to the real condition of our social and other services, which we of course will have to bear ourselves, I make a serious suggestion to you, sir, that in view of the enormous and formidable task which awaits us in the native reserves, we must consider very seriously making a special application to the Colonial Development and Welfare authorities in order to enable us to put the native reserves back into condition. It is going to cost us millions, and we might as well face that fact now, be perfectly straightforward and say to the British Government: "These are the facts; if you doubt them, send someone here to check up, but this is the position which we as a British Empire have got to face".

I am not going to say any more, but merely to say that we are on the threshold of new development and reconstruction. We have great work to do in this country, so let us go to it, unhampered by political sparring, but merely urged on by constructive endeavour. I beg to support the motion. (Applause.)

MR. STAMFORD-DREY: Your Excellency, I have no alternative, but to support this motion, but I am not going to indulge in congratulations and so forth as has been done by previous speakers, for the simple reason that, although the efforts of the Standing Finance Committee may have been wonderful, it is a case of the labour of Himalaya giving birth to a mouse. In a budget of six and three-quarter millions all they have done is to increase the surplus from £9,259 to £53,331, a difference of about £44,072. That bears the same proportion to 61 millions as 4 cents would be in proportion to Sh. 6/75, that is not more than 160th part of the total estimate. I hope I make myself clear. More than one of my hon. colleagues told me during the interval that I had been reading the paper all the time while the debate was going on. One gentleman said he was going to raise an objection on a point of order. I wish he had, because I would have told him that I was not reading the paper as a newspaper, but I was studying the wonderful analysis contained in three or four columns of the *East African Standard* on the Standing Finance Committee report, which I could not get clear by going through the whole report itself.

There has been a lot of gibbling about the Government's breach of faith as regards war taxation in 1946. I personally should like to save a few shillings on the small tax I pay and so would my constituents, but it is merely the words of the war, and I think some of the European unofficial members are showing a poor example of intelligence by expecting or asking that within two or three months of the end of hostilities, it is stupid for anybody to talk about these things. It is the same as the case of a house being on fire, and immediately the fire has been extinguished the people expect to go back to the normal conditions of a home-life. The trouble that arises out of the fire does not cease when

[Mr. Shamsud-Deen] the fire is extinguished. You have to put the house in order. I personally would admire a magician who could at the end of hostilities bring us back to normal life by relieving us of all the Controls and so on, but it is impossible, and that I submit is the summing up of the whole position and all this quibble about the cessation of hostilities being construed as the end of the war. As far as we are concerned, we are told that the war is declared to be at an end on the 24th February, but with these disturbed conditions one never knows what might happen between now and the 24th February. The opinion of a few people is that there might be a third world war before the 24th February; I hope not! It has been a waste of time discussing this question as to when the war ends and when wartime organizations can be dispensed with. I certainly would be the first to ask Government to go into the whole question six months from now. Government would then be in a position to prepare its estimates for 1947. By then I should certainly be hoping that things would improve. But for anybody to expect the estimates to be redrafted at this stage I think absolutely absurd.

I only wish to refer now to one or two items. The hon. mover referred to the Information Office, and said that the European and Indian sections are to be eliminated. A study of the Information Office figures will show that the expenditure on the European section, which in last year's estimates was £2,890, has now been eliminated, as also an expenditure of £2,325 on the Indian section, but you will find further on under a different heading—Publications—that the European section has been allotted an amount of £7,070, which means that the European section has been allotted a sum of money under the name of publications instead of Information Section. I think it is a very grave mistake to dispense with the Indian section of the Information Office. I have all along been against the Information Office, but the present is the most important time for the Indian section of the Information Office to continue to function. It is absolutely necessary that it should be kept going at any rate until war conditions have disappeared, for the following reasons.

Unlike the European section, the Indian section caters for a very large number of illiterate people who could not know of the changes taking place in regard to various Controls and also of the transitory changes taking place in India. If this part of the Indian community were dependent upon rumours it might do a lot of harm. Therefore I submit that at any rate for six months, when we can reconsider the whole question of wartime conditions and taxation, the Indian Information Office must be retained otherwise, as I have said, a lot of harm will be done. I notice in the last six months or so there has been a good deal of improvement in the Indian section of the Information Office. I listen to the broadcasts from the Indian section, and very often they get news you do not get in the local papers, because they get broadcasts from all over the world and you hear some very interesting pieces of news; for instance, news of happenings in Indonesia may have nothing to do with this country, but we get correct and authentic information from the Information Office. I cannot understand why the musical programme should be broadcast from Kabete and the rest of it from Nairobi. I would seriously suggest that the whole question be gone into, and there should be collaboration between Cable and Wireless and the Indian section of the Information Office, and the whole Indian programme, which is about 45 minutes, should be broadcast from one place.

The second point is this. Things have become aggravated to a very alarming extent since I spoke in this Council on the occasion of the budget debate. I have tried my best to bring to the notice of the police and the Member for Law and Order the complaints that have been brought to me, and there have been some appalling murders, robberies, and daylight assaults. At 7 o'clock in the morning two or three days ago a number of gangsters, presumably African criminals, attacked an Indian and he nearly lost his eye, and there have been one Indian and two natives murdered since that date. I have now been convinced of the futility of trying to ask Government or the police to do anything in the matter. The functions of the police on the whole are confined to desk and office work and not real police work. African

[Mr. Shamsud-Deen] criminals, and Indian I might say, do just as they like, and from robberies they have gone to murders and dangerous assaults. Therefore I wish to take this opportunity of expressing here that the only way to combat this menace is for people to form what one might call a "self-defence volunteer corps" and hope they will not be treated lightly, because I can assure this Council that it is not a popular expression but will mean a serious effort by the Indian community to come to their own help where the police have failed.

I must say, having had experience of membership of the Standing Finance Committee and the mass of work involved, that I appreciate the very hard work that the members have done during the past fortnight's sitting, although the actual results are negligible. I do not wish to make a song of the fact that I have been in this Council for a long time, but I cannot help realizing that the expenditure of this Colony for the last 23 years had been like a game of seesaw. To-day, to an unbelievable extent, it is said that we have got money, but it is said that we have not got keep company for a long time. I have seen periods of unbridled expenditure indulged in for a period of years, and then a time of ruthless retrenchment and reduction of salaries (which bring misery). I agree with those hon. members who expressed a note of warning that we had better keep moderation in view and not be carried away by wartime income and expenditure.

I was really taken by surprise by the leader of our organization calling upon me to speak without having prepared myself previously, but I think I must, on behalf of myself and my colleagues, support the motion for the adoption of the report of the Standing Finance Committee.

Mr. Vasey: Your Excellency, unlike my hon. friend Mr. Shamsud-Deen, I have alternative lines of action. I can either support the attitude outlined by the hon. Member for Nyanza and the hon. Member for Aberdare, or I can support the attitude taken up by the hon. Member for Nairobi South. I personally have no hesitation in supporting the attitude which my hon. friend the Member for

Nairobi South adopted, and to support in a general way the report of the Standing Finance Committee.

I would like before I deal with it in principle to make some small comment in detail, and will endeavour not to speak for too long. Paragraph 145, maintenance of roads, page 21, the top paragraph: "Subject to the Attorney General's agreement, a clause should be included in the contracts of such contractors to the effect that they would be required to make good any damage caused"—so far so good, I think—and that the Conservator of Forests should be the final arbiter in the assessment of damage in such cases?—I could not agree that the victim should become the judge of the damage suffered, and I feel perfectly sure that the hon. Attorney General will look that paragraph over. Basic road grants, pages 24 and 34: On page 34 a concession is made, that some assistance is going to be granted for urgent projects of capital improvements. I feel that once again I would like to draw attention to the fact that what is wanted is an increase in the percentage of basic road grants in order that full maintenance can be carried out by district councils. I will not go further over the argument that I put forward at the time of the debate on the Draft Estimates, but I hope that when the Standing Finance Committee sits down to its year's work it will look once more into that question of support for local government bodies.

Paragraph 189 (training and terms of service of police): "The Committee notes that an inquiry into police (terms of service) is to be held in the immediate future". I do hope, in the interests of law and order, that the inquiry will not be delayed, and I do hope that the terms of reference of that inquiry will be fairly wide so that it shall not only cover conditions of service but shall cover police conditions in general. Page 34, paragraph 237, Nairobi evening continuation classes: Nairobi evening continuation classes: Here I would like to correct what is somewhat of a misapprehension. The Nairobi evening continuation classes are not a municipal project. They are a serious municipal project. They are a serious attempt by a body of responsible people to further the cause of evening technical education, and it obviously started in the capital of the country as being the place

(Mr. Vasey) most suitable for it. Nairobi Municipal Council, when Government—wrongly I believe—failed to recognize the urgency and necessity for classes of this kind, undertook to contribute in order to keep the classes going, and Nairobi Municipal Council has willingly agreed to support the scheme put forward by the Director of Training and the Evening Continuation Classes Committee for an expenditure of some £3,000 a year. Nairobi Municipal Council agreed to contribute at least 50 per cent of that cost in the belief that Government would recognize the urgency of the situation and contribute an equal amount. I know the Standing Finance Committee has not said no, but it has said that "a final decision in regard to this request should be deferred until such time as the conclusions reached by the inquiry into the financing of educational services were available". I can assure members of the Standing Finance Committee that in this case the answer will be too late, and probably too little. Nairobi Municipal Council cannot pretend, nor is it its duty, to carry the full burden of an educational project of this kind, and I have very little doubt that when this paragraph is placed before Nairobi Municipal Council it will take the only course left to it, and withdraw its support completely, and allow in that case very regretfully the classes to die.

It is urgent, if these training classes are to be carried on, that they must begin at the earliest possible moment on the lines laid down by the Director of Training. I am sorry the urgency of the situation was not recognized by the Standing Finance Committee.

Page 36, Public Works Extraordinary, paragraph 243: I hope that that suggestion will not be forgotten. It is, I think, a good policy to follow, and it is a policy which, I believe, release revenue to be devoted to other services.

Page 39, Information Office: Here I am in thorough agreement with paragraph 275 until the last sentence, "under the direction of the Chief Native Commissioner and the Provincial Administration". I have the greatest admiration for the Chief Native Commissioner and the Provincial Administration, but candidly, I do not think the training in general of Government servants is one which fits

people for publicity! I have often heard that members on the other side of Council hide their light under a bushel which is extremely dark. I would suggest that there should be an advisory committee set up to deal with this, and on it should be represented different shades of opinion and interest, including the agricultural community. I would suggest that on that advisory committee there should be at least one African member.

Those are my points in detail, and now for general comment.

There is on page 64 a very excellent abstract of analyses of the 1946 draft recurrent estimates and a comparison approximating with the 1939 recurrent estimates. A great number of these people who have opposed this budget have taken 1939 and the 1939 figures as the basis for their opposition, and I consider that is an extremely dangerous principle to adopt. I consider it is something which should not be allowed to pass without comment. The 1939 year and figures should not be the comparative level: the low level of services that existed in this country in 1939 should be the thing to be remembered. If I am right in what I have heard during my short membership of this Council, for years the native reserves and the land of this country has been running to the sea, soil erosion and many other evils have been suffered. They were suffered because of lack of services, and I cannot believe that the agricultural community or the commercial community would wish to return to the low level of social and general services which the 1939 expenditure represented in my opinion.

There was one point that I deeply regret the Standing Finance Committee did not deal with, and that was on the principle of the Financial Secretary's responsibility. The hon. member for Nairobi South reminded us how the hon. Acting Financial Secretary said that his was the responsibility for cutting down the departmental estimates. I disagreed before with that in principle, and I disagree with it still. Within the limits of the money which is allowed to a department, surely the head of a department is the best judge of how that money should be spent, and I do not consider that that principle should be allowed to remain

(Mr. Vasey) wherein the Acting Financial Secretary can get up in this Council and state that that is his responsibility. If I disagree with the policy of the Director of Education or the Member for Law and Order or any other of my hon. friends on the opposite side of Council, I demand the right to attack them as being responsible for omissions in their policy, and I suggest that in 1947 and in future years, when the revenue has been estimated, it is possible the Standing Finance Committee should, in conjunction with the Financial Secretary, consider the allocations to departments and heads of departments should be instructed to frame their estimates on that basis, putting forward schemes for any progressive steps they wish to undertake. The hon. General Manager of the Railways said yesterday in his very excellent speech that we had made a great contribution for a poor country. I agree that the people of this country have made a great contribution, but the phrase to be remembered also is "for a poor country". I believe we should remember that there will be a limit to the revenue we can expect from the people of this country if our industry and our progress is to be maintained, and within the limits of that revenue it is our task to see that the money is wisely spent. Strangely enough, I believe the Director of Medical Services and the Director of Education are the people who can fell us the best way to spend money within their respective spheres.

On the question of the answer given by Government to the question which our leader, the hon. Member for Nairobi South, asked, I would like to state without qualification that I accepted Government's answer completely. Further, I would like to state without qualification that I am convinced they were honest and sincere in their intention. Had I not felt that, I member should have followed the hon. Member should have followed the hon. Member should have followed the hon. Member on a matter of principle.

MR. COULDRAY: On a point of explanation, I did not question Government's honesty in the matter.

MR. WRIGHT: I did!

MR. VASEY: I did not say the hon. member questioned it—I said that it had

been questioned, and I accepted the answer.

Finally, I am comparatively new to this Council, but I visualize the elected members' duty is that of making constructive contributions to the Government of this country, and I do not believe we should destroy an idea put forward by Government unless we can replace it with a better one. It is because I believe the 1946 Estimates and the report of the Standing Finance Committee as now submitted make a constructive contribution to the progress of this country that I support the motion. (Applause.)

MR. TRENCH: Your Excellency, in rising to support the motion I hope that the little I have to say is constructive and realistic. To my mind, far too many ambiguous platitudes have been flowing around the country since the original debate started, and I do not believe that is of any real use to the man in the street. If I was like the majority of unofficial members on this side, I suppose I would congratulate the members of the Standing Finance Committee on the good job of work they have done, but I do not think I am going to do that. On the other hand, I might also agree with the opposition, but there again I am going to be slightly different. I am going to take the middle course, and say that I will not congratulate them until, at least six, seven or eight months later, in the year, for this reason. They have produced a new Appendix A (1)—I do not know whether you call it an "appendix of appeasement". For the country or what, but I suppose it is as good a name as any. Until they prove to this country and the Council that it is not purely appeasement or bluff placed in particular columns 1, 2, 3, 4, 5 and 6, which total in column 6 "total war elements", they attribute entirely to war expenditure—and they prove to this country and this Council that those are genuine figures and that they will disappear, not until then am I ready to congratulate them wholeheartedly. I do trust that the details of all Government details of all that of those items, because I do hope that each head of department will be told immediately that he will be brought to book if, when we meet later in the year or in the time next year, he has not got rid of those items and that he

[Mr. Trench] will have to give a very careful account and a good excuse for not having eliminated those wartime elements.

I yield to no one in the desire to send as small a sum as I possibly can to the Income Tax Department. I think everyone is in entire agreement with me on both sides of Council and in the country. Nevertheless, we have got to be practical, realistic and constructive. If the members of the Standing Finance Committee are a body of honest men—and I am inclined to assume that because I have known them for a good many years (laughter)—then a 50 per cent increase in recurrent expenditure as a result of our eliminating conditions of war I do not think is unduly high, when one considers how expenses have increased, say, for example, in agriculture, of which I have a certain amount of knowledge. But as I say, the whole thing hinges on this Appendix A (1), and if the Standing Finance Committee members prove their worth and this is not a column of bluff, then they will deserve our congratulations at a later date. Sir, I support the motion.

MR. MATHU: Your Excellency, I do not wish to embark on a very long speech this morning on this very able and concise report of the Standing Finance Committee, but I should like to associate myself with hon. members who have congratulated the committee on its work, and to give it my wholehearted support. There is no doubt that there are certain representations which I and my hon. colleague, Archdeacon Beecher—who incidentally is to-day represented by my hon. colleague the African here for the first time, and I should like very much indeed to welcome my hon. friend to this Council this morning. (Applause.) It is definitely an indication that the Government is not entirely hard-hearted, but does hear the voice of the African people on matters that are reasonable and sincere, and yesterday when another African was sworn in in this Council we made history in that for the first time in the political history of this country we have two Africans on this Council. I should like to congratulate Government and thank Government most sincerely on behalf of the African community of this land and, although it is only an acting and temporary appoint-

ment, we sincerely hope the time will come when the two seats we to-day will be permanently ours, the Africans of this land.

Now to go on with the Standing Finance Committee report, I should like to say that I have followed the agitation that has been made by members of the European community against war taxation. There is no doubt something in it, but at the same time I feel that Government have taken the right course by saying that the machinery of Government must work for at least 12 months under the Draft Estimates now presented to Council. We have continued for four or six years with this taxation, and I am sure it is not impossible for the people of Kenya to carry on for another period of 12 months. It is for those reasons that I give this report the support which I think it deserves. By the end of the year we shall definitely know more about war conditions, and we shall be able to revise our revenue and expenditure commitments to such an extent that we shall not prove a burden to the taxpayers in this matter. There is an argument which was advanced by the hon. Member for Nairobi South when he said on the one hand the people of Kenya demand social services, these must be paid for. On the other hand the same people demand from Government a reduction in taxation. Surely there is something wrong there. I do not suggest that Government should now start to raise taxation, and they have not done so. All they have done is to say that war taxation should go at least another 12 months, and we can then go on to peacetime taxation. With those remarks I should like on general terms to say that we should carry on as at present represented by this report and see how things are at the end of the year.

I should like to make a few observations in regard to the report itself. The first is that the hon. mover, while mentioning the proposals regarding the Information Office, mentioned that in regard to the African land units there obtains at the present moment ignorance of what the position is in regard to the agricultural position there and that more publicity (I like the word publicity better than propaganda) is required for the African people there, so that they may know what the Government intends to

[Mr. Mathu] do and what are the best ways of saving the soil. With that I entirely agree, but I have suggested in another place something which I still think Government should reconsider, and it is this, that the Information Office should not be a separate department of Government but that it should be really part of a welfare department. It could be under the hon. Chief Native Commissioner and the welfare officers. With that I have no objection.

I should like to support the suggestion which the hon. Member for Nairobi North put forward this morning, that the department should definitely have a statutory advisory committee, representative of all the different shades of opinion, to help them to carry out the heavy work which lies ahead in educating the public of this land in matters that we want really to develop this country with. While I am on that subject, I should like to say that the African at the present moment does realize that something must be done to make the land more productive than it is at present with a view to raising his standard of living, and also with a view to enabling him to fulfil commitments which he has in taxation and things of that kind. It is in that department that I feel all that can be very well done. It is through the dissemination of education in the broad sense to the African population of this land that our land can be maintained in good heart, so that it may perform the function that it is meant to do and that is to support the life of man, beast and plant.

The other remarks which I should like to make are under the Education head. There are not many occasions in this Council when I have not said something about education. I believe education in this country could be a hundred times better than it is, and it is on that basis that I oftentimes speak about education in this Council. The education that I primarily refer to is African education which, as the hon. Acting Director will agree with me, is very badly behind and we have to push it as quickly as possible. The hon. Financial Secretary in presenting the budget last December did say he was, and the Government was, in general disturbed about the rising costs of education in this country. I do not dis-

agree with that, although we are also disturbed when we hear that Government is going to take steps to reduce the educational facilities not only of Africans but of other communities as well.

There is a cheerful point in respect of that, in that the Standing Finance Committee has at least taken notice of the representations we made on this side of Council about the improvement of the salaries of teachers. There will be, if the recommendations of the Standing Finance Committee are implemented, a slight improvement in the salaries of these teachers. It can only be a slight improvement, but I think we should not lose sight of the fact that these improvements have been suggested, and that if they are given a run we may know what we should do in years to come, because I do feel that unless we attract the best men and the best women to join the teaching profession we cannot improve our education system. We cannot have an education system without teachers, and it is the teachers we have to treat and it is the teachers who have to be perhaps better than any other civil servant if we want to get the men to staff the Government departments and staff the Government departments and commercial houses and get the machinery of this country running.

In that connexion I should also like to say that I am pleased to see that the Standing Finance Committee has seen their way to providing a token vote to their local native councils in running their native schools. There is one point I should like to suggest for further consideration by Government, and that is that elementary education in this country from the African point of view is demanded more rapidly and in greater volume than ever before, and I think the local native councils will find it extremely difficult to cope with the demands to finance elementary education. The suggestion, of course, is that they should rate themselves highly, but at the same time I do not think it is clear that Government has taken full responsibility for the financing of primary education. There is one item of expenditure which I should like Government to reconsider and take on their shoulders, namely, the day primary schools which have African headmasters and which are not financed from central funds, and I think that is not a thing that should happen. I do not think the

[Mr. Mathu] local native councils should finance both elementary education, which is very inadequate at the present moment, and at the same time finance day primary schools, which we should like to see extended. I therefore suggest that these schools with African headmasters should be financed from public funds.

There is one further point I should like to suggest. Government has said they are going to carry out a fiscal survey. Members have already stressed the importance of getting this done as quickly as possible so that we may know where we are in regard to all sorts of services. They have also suggested that in due time there should be an inquiry into the financing of education. That also is a matter we should have done as quickly as possible. Finally, there is also the question of the financing of medical services in this country and, as I have said more than once in this Council, we do feel that hospitalization is at the present moment absolutely essential in the native areas, because the health of the people is such that we require not only maintenance of existing medical services, but also a very great expansion so that all areas are adequately served as far as the maintenance of health is concerned.

I beg to support the motion. (Applause.)

Mr. COOK: Your Excellency, I should like to join with the previous speaker in welcoming a second African to this Council, and I can only say that if he displays the reasonableness and the toleration, and, if I may say so, the eloquence of the hon. Member Mr. Mathu, I think all of us will agree he will be a real acquisition to the debates of this Council.

When I listened to the two opposition members this morning, I could not but be reminded of those lines from Shakespeare in which the rather boastful Glendower says: "I can call spirits from the vasty deep," and I feel that the right reply would be the reply the realistic Hoispur gave, and that reply, as hon. members will remember, was: "And so can I and so can any man, but will they come when you do call for them?"

We have heard a tremendous amount of criticism of this budget from those two hon. members. They have toured the

country and they have helped to arouse this stupid opposition which pervades the country to-day, but from the lips of neither gentleman have we heard any constructive suggestion as to how recurrent expenditure should be reduced. The hon. Member for Nyanza talked about taxable capacity and productive capacity and all that sort of thing. One reason why I welcome this budget is, because I see in it for the first time a real effort on the part of Government to restore the most valuable assets this country has, and that is its land assets. I can conceive of no better means of improving the taxable capacity or the productive capacity of this country than the means which your Government, sir, has adopted. It is all very fine to talk, as the hon. gentleman has talked, and to stampe the country and to win, as I am afraid he is winning, a little bit of cheap notoriety.

Mr. COULDERY: On a point of order, I have not stampeed the country, nor associated myself with any of that opposition to which he refers.

Mr. COOKE: The hon. member certainly addressed meetings. I am very glad the hon. member did not stampeed the country, because I was afraid the hon. member was following the example of that rather discredited politician who used to be member for Ukamba, who certainly has left no stone unturned to discredit the Government. (Mrs. WATKINS: On a point of order, not discredited.) Well, that, of course, is a matter of opinion. He certainly has been dismissed by every constituency he has stood for. Anyway, I am not going to indulge in recriminations (laughter), because I do think that the hon. Member for Nyanza put his case far more reasonably, if I may say so, without being in any way patronizing (laughter), than usual. I do hope that we will be able to follow and will take to heart the closing words of my hon. friend our leader; that we should really all get together and tackle the really vital problems which are before the country to-day. It is very easy to indulge in all these political vapourings, but it is not so easy to restore to this country the fertility which the soil has lost during the many years of the past.

With regard to the comparison which has been made in an appendix to this

[Mr. Cooke] I do not think many people noticed that, whereas the recurrent expenditure in the last six years has gone up by something less than 40 per cent— that is when you take away expenditure due to the war—when you compare that with the cost of living which has gone up at least 50 per cent, it seems to me that we are not being in any way too lavish in our expenditure. I am one of those, in fact, who would like to have seen taxation go up. It is all very fine to say that the war is over or that the "war" is going to be over at the end of this year. It certainly is—the war between the late combatants—but there is a much bigger war in front of us, and that is the war to restore the fertility of this land, and I cannot see even when we do start to go into the question of taxation next year how we will be able very much to lessen the sum total of taxation, though undoubtedly we have to try to put it on the shoulders of those who may be better able to bear that taxation.

In the speech of the hon. Member for Nairobi North he drew attention to two sections. The first was that of the Nairobi evening continuation classes, and although I am a signatory to this report I should like to join him in his request that this particular recommendation should be reconsidered. I do not think that we had before us at that time the facts which he has given us now. The other point he made was about advisory committees. I think it would be a good idea to have committees advisory to the Provincial Commissioners and the Chief Native Commissioner if they are going to supervise activities, such as spreading information in the reserves, because these gentlemen perhaps cannot always see the wood for the trees, and it would be a good thing to get the advice of outside people when they are dealing with such an important matter as information.

There is nothing further I have to say, except to join with the other members who have said they wholeheartedly agree with the reply given by the Government yesterday. It has seemed to me from the start that the duration of war taxation depended on the issue of the proclamation, and I do not see how anyone, any reasonable person, could possibly put any other interpretation on the question of the war than that given by the ordin-

ance which was passed at that time, and anyone who was a member of this Council at that time (I do not think as a matter of fact the hon. Member for Nyanza was a member) is thereby deterred from making any criticism whatsoever of Government's determination to carry on war taxation for another year.

Mrs. NICOL: Your Excellency, I am one of the members of the Standing Finance Committee who signed this report with a qualification. Otherwise I support this report absolutely wholeheartedly. I signed the report for two reasons. The first is that I believe our recommendations with that budget altered are fair and obtainable; secondly, I have a very definite faith in this country. But being a member of the Standing Finance Committee and a signatory to the report, I feel it is right I should take my full share of responsibility in it and also accept any criticism of it to which I reserve the right to reply. As the hon. member pointed out, there has been a clamour in one quarter for economy and a clamour in another quarter for an expansion of social services. If we economize, surely we have got to cut down social services, and if we cut them down it is a retrograde step for every section of the community because, as the hon. Member for Nairobi North pointed out, the services this Colony had in 1939 were not those we could exactly be proud of. We have advanced considerably since then in our social services, and we have got to see that that advance is kept up. I entirely agree that the national income has got to be expanded, and the only way to do that is to develop the Colony, and this budget sets forth to develop the Colony.

Of my hon. friend the Member for Nyanza, and I would thank him for the bouquet, which I know was a sincere compliment to the Standing Finance Committee, and I appreciate his remarks.

I would like to say this. His amendment at the time of the original debate did a lot of good. It did draw attention to the fact that we cannot go on spending money wildly without thinking, and that was one of the reasons why I supported the amendment at the time. I had hoped, however, that he was going to let us know the recurring expenditure could be kept down and that when the coun-

(Mr. Nicol) mittee had the advantage of his advice he would tell us then, but he, like many other critics, has not been able to put up one suggestion which will reduce the recurrent expenditure by a percentage or figure or bring it down to any level at all.

I do suggest that if the Colony is to go ahead at all, we have got to spend money. If we do not spend money, particularly in a country like this, where we have been told by the Director of Agriculture of the deterioration of the soil for the last few years, if we do not rehabilitate that soil we cannot increase or recover some of the wealth of the Colony. There are two types of economy. There is the genuine type of economy, and there is the false economy, and I do submit that if we go slashing up recurrent expenditure to cut it 10, 20 or 30 per cent, that is false economy, and I do feel that by this Development and Reconstruction budget—to which, as everybody realizes, we have transferred a pretty large sum—it is a way in which we can keep down recurrent expenditure so that we do not tack a vast number of people on to the permanent staff but have them on contract. If we are going to cut, as various pundits outside the Council have suggested, the recurrent expenditure of the Colony's estimates, the only way I can think of is to go to each head of department and say "Cut your department by 10, 15 or 20 per cent". I suggest that the first thing that would happen would be that the Director of Education would cut out so many schools, the Director of Medical Services would say he had got to close down so many wards per hospital, and the hon. Member for Agriculture would probably go up in a burst of blue flame straight away. So we could go on all the way round, and when we got to the hon. Director of Public Works—and after a recent visit to the territory south of us I congratulate him on the Kenya roads—the roads would deteriorate into the perilous conditions of stretches that I had to go over recently. That would be false economy I suggest.

On the question of the increase in personal emoluments, here again this, I think, is inevitable if the Colony is to develop. Surely the experience of the past has shown that by lack of supervision the territory has really got into the par-

lous situation it is to-day. In my view, the personal emoluments are not going up just because we have got the money but because it is absolute dire necessity. Then there is the criticism that while the revenue may come in this year 1946 and possibly next year, and perhaps in 1948 and 1949, there will be a falling off in revenue, a slump. Well, that has got to be faced, there might be. But I suggest that when times are bad the policy to follow is to budget for a deficit; in other words, go on an overdraft, because it is no use when we find the money is not coming in that we have to cut everything right, left and centre, as what we have done will be put back 10 or 20 years and gives all the more to be done to recover the position. In any case, in the question of the development of territory at the moment, there must be a time lag between the time when we start spending money and the fruits of development are realized and visible in the revenue position. The whole trouble is that it is not the fault of the 1946 budget, it is the fault of budgets going right back to the original days when this was a colony and the lack of money made available to fully develop this country, when we saw that the land was being destroyed by people who were completely ignorant of farming practices. I do submit that the people we have got to blame are the past Governments at home.

There seems to be a suggestion that the Government are over-stuffed. We went into the question pretty thoroughly in Standing Finance Committee, and I think the hon. Chief Native Commissioner told us he was 23 short in his department alone. There is no doubt about it that the people in the Secretariat and out-stations are hopelessly overworked. The people in the out-stations are overwhelmed with desk work, and probably do not get into their districts as often or as much as they should. I believe they want to be able to do that, and unless we relieve the position we might as well pack up. We cannot run this Colony on a skeleton staff.

The hon. Member for Aberdare said the acceptance of the Standing Finance Committee report assumes a continuation of war taxation. Well, I do not agree with him, I say quite definitely "No". I think we all realize, we realized many years ago—and I know at the time of the

(Mr. Nicol) last election I made it quite clear in an election address—that if people thought they were going to jump back to pre-war taxation as soon as hostilities ended they had another thing coming because that was quite impossible.

On the question of this end of hostilities, I want to say first of all that I am perfectly satisfied with the answer given by Government to Question No. 151 yesterday. I have never been under any misapprehension in this regard. I remember quite clearly at the time we were discussing the principles of the Rent Restriction Bill or an amendment to it, that the question arose as to the bill continuing in force until 31st December after the cessation of the war or the end of hostilities. I asked then what that actually meant, whether it was the war with Germany or with Japan, and the then Attorney General, Sir Walter Harragin, replied quite clearly and distinctly that the end of the war would be the date to be announced by His Majesty's Government at home, because it was not certain whether Germany or Japan would pack up first or would both pack up together. He made it clear it would not be the date when cease fire sounded, but some time after. But, as pointed out by one hon. member, just because the cease fire has gone war expenditure cannot immediately come to an end. There is bound to be some more expenditure, and it has been made perfectly clear that war taxation comes to an end on 31st December this year as the 24th February has been chosen as the date on which the war ends.

I want to endorse very much the hon. Member for Nairobi South who I entirely agree with him that we have got to have economy. I have dealt with the question of false and genuine economy. We have definitely got to look at every penny we spend, and I for one have no hesitation in supporting a policy of economy, but not a policy of false economy, but I should also like to support him when he deplored the efforts of people outside this Council who decried this Council. I think that is most reprehensible, and a lot of the stuff that has been published and what I have seen in the Press has been, in my opinion, entirely irresponsible criticism without the slightest relation to facts. Again I

want to say that I am perfectly satisfied with the answer given to Question 151 yesterday.

Just a word or two on this question of social services which are provided under this budget, and also the clamour throughout the various communities for increased social services. The public must realize that if they want these services they have got to be paid for, and the people who pay are the public. But I would say this, that those people who are the opponents of this budget must be going in the main against the wishes of the majority of the public. Turning to the speech of the hon. Member for Nairobi North, I would congratulate him on at least sticking to the detailed points of the Standing Finance Committee report, but in regard to the terms of service of the police he says he hopes a committee will be appointed with fairly wide terms of reference. I should like to go further and say, very wide terms of reference; in fact, exceptionally wide reference. There was a grave and unfortunate mistake made in the last committee at a mistake made in the last committee was appointed to go into these terms of service. I do not think their terms of reference were wide enough. I think the hon. Member for Aberdare was a member, and perhaps he will agree with me.

Regarding the Nairobi evening continuation classes, the hon. Member for Nairobi North certainly produced some information on this subject which, if it was made available to the committee, I missed it. I would like that subject again to be put on the next agenda of the Standing Finance Committee, because I think there is something in what he says that there is a matter, where, perhaps, the hon. Member should hear the Director of Training. This is one point on which, perhaps, the hon. member is not quite clear, his criticism of where the hon. Acting Financial Secretary, in moving the budget, said he had cut down a number of estimates of heads of departments of departments appeared before the Standing Finance Committee, and in many cases have had their respective votes put up as a result of arguments they have advanced; so that heads of departments do get an ample opportunity of ventilating their case. I was not quite clear about his suggestion for the reframing of the budget. I think he meant

[Mr. Nicol]

that the revenue estimates should be got out about July or August, and the Standing Finance Committee vet them and say, "You have so much here to get on with". Then the estimates would be laid, debated, and referred back to the Standing Finance Committee. I think that is, perhaps, worth following up because it might save time and short circuit a lot of argument later on.

In regard to the hon. Member for Rift Valley and Appendix A (1), if he will turn to that he will see that column 2, "cost of living allowance", is ascertainable quite easily. Column 3, "one third of local travelling and transport", has been put up by approximately a third owing to warlike conditions and can be pretty nearly estimated. "Temporary staff" is ascertainable. "Other increases attributable to war"—that is a phrase none of us liked, and in the time of the disposal of the Clerk to Council it was impossible to have got a completely accurate estimate. It is as near as good enough approximately. It might be well to qualify that by "E. & O.E.", although I am told that is not legal! (Laughter.) They will gradually be eliminated, unless column 2 is absorbed into column 1 as at the end of the last war.

Finally, may I say how pleased I was that the hon. member Mr. Mathu gave his support on behalf not only of himself but also of his colleague—whom I am glad to see in this Council—and the support of the African community to the report of the Standing Finance Committee. Sir, I support the motion.

**MAJOR JOYCE:** Your Excellency, my excuse for prolonging the debate is to give me an opportunity to ask the hon. Acting Financial Secretary a question which I think will contribute largely to the peace of mind of the country if answered, as I am sure it will be answered, satisfactorily. That is, what steps are being taken to eliminate as far as possible such evasions of taxation as at present occur? I think some people feel that money is being provided to a large extent by one community; money for the purpose of development, as well as the ordinary running of the country. That may or may not be so, and it will no doubt be revealed by the fiscal survey, but aside from that it is so often said

that there are considerable evasions of taxation that I think a statement on that would be a great help. Aside from that I should like to associate myself very strongly with the remarks made by my hon. friend the Member for Nairobi South and more particularly with his request that the taxpayers of this country should be associated with the gentleman who is going to make the fiscal review. I consider that to be most important.

I was interested that so many speakers have stressed the needs of the land in this debate, often members from town constituencies, and I think that is a very healthy sign that the country, by and large, has at last realized the need for really drastic action in this respect. I would suggest, in supporting this motion, that a test should as far as possible be applied to all expenditure in future, and that is that expenditure should, where possible, be of such a kind as to increase the wealth producing capacity of the country, and I think if that is applied on all occasions we would go a long way to solving on a long-term basis some of our economic difficulties. I maintain that this country has either got to go forward or to go back. I maintain further that we cannot afford to be timorous at this period, for if what has been going on in the native lands is allowed to continue unchecked, I do not think there will be any need for budgets of any kind in quarter of a century's time. I hope we will make our decisions, be courageous and go forward and support the motion.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 10th January, 1946.

Thursday, 10th January, 1946

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 10th January, 1946. 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 9th January, 1946, were confirmed.

#### PENSIONS

Mr. A. CLOUGH

Mr. MUNDY: Your Excellency, I beg to move: This Council approves the payment until further notice of a provisional interim pension at the rate of £204-10-10 a year with effect from 12th November, 1945, inclusive, to Mr. Arthur Clough, formerly clerk, grade I, Veterinary Department, in respect of his service from 1st May, 1928, to 11th November, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon, amounting in all to £732-17-3, which reverts to the general revenue of the Colony.

A number of these resolutions have already been passed by this Council and this involves no new principle.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

MISS A. M. COLLINS

Mr. MUNDY: Your Excellency, I beg to move: This Council approves the payment until further notice of an interim pension at the rate of £165-13-8 a year with effect from 18th May, 1945, inclusive, to Miss Alice Mary Collins, clerk, Aliens and Intermex Department, and previously Medical Department, in respect of her service from 7th August, 1926, to 17th May, 1945, both days inclusive, in lieu of her own and Government contributions to the Provident Fund plus the interest thereon, amounting in all to £838-18-1, which reverts to the general revenue of the Colony.

This is a similar resolution which involves no new principle.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

Mr. R. BLACKSHIRE

Mr. MUNDY: Your Excellency, I beg to move: This Council approves the payment until further notice of a provisional interim pension at the rate of £140-16-1 a year with effect from 12th February, 1946, inclusive, to Mr. Ralph Blackshire, formerly assistant superintendent of prisons, Prisons Department, in respect of his service from 1st March, 1930, to 11th February, 1946, both days inclusive, in lieu of his own and Government contributions to the Provident Fund amounting in all to £581-19-11, which reverts to the general revenue of the Colony.

This is a similar motion which involves no new principle.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

#### DRAFT ESTIMATES—KENYA AND D.A.R.A.

STANDING FINANCE COMMITTEE REPORT

The debate was resumed.

Mr. PATEL: Your Excellency, I am a little surprised at the agitation from certain quarters outside this Council in regard to war-time taxation measures. Personally, I feel satisfied about the reply given by the Government in answer to a question put by the hon. Member for Nairobi South. I have been a member of this Council since 1938, and my impression is that the reply given by the Government to this Council conveys a correct picture. Coming to the report, I was at first tempted to oppose it, not because the expenditure is so high but because some of the very reasonable requests made from the Indian side have not been incorporated in the report. But, not taking the whole picture given by the Standing Finance Committee, it has done its work so well that I feel inclined to support the report before Council.

I would say this, that in regard to one of the points which I raised during the course of my speech on the Draft Estimates in regard to the scales of salaries of Indian teachers, an attention appears to have been paid to it at all. During the course of my speech then I put a pointed question to the hon. Acting Financial Secretary requesting him to give me a reply in unequivocal terms whether the Government intends to im-

[Mr. Patel] present the scales of salary which have been accepted by the Advisory Council on Indian education. As the hon. Acting Director of Education stated in this Council during his speech on the Draft Estimates, 80 per cent of the teachers in Indian schools are not trained, and it is quite clear that it is not possible to recruit trained teachers unless the scales of salary are revised. What surprised me most, and even annoys me, is that no reply was given by the Acting Financial Secretary when replying to the debate, and no mention has been made whatsoever in the Standing Finance Committee report stating the reasons against acceptance of the recommendations which were made by the Advisory Council on Indian Education. They could say they have not got the money, or they could say it is not possible to increase expenditure on Indian education, but something should have been included in this report. The position is that in a very vital matter like this no notice has been taken whatsoever of the recommendation of the Advisory Council on Indian Education or of the points raised by me in the course of my speech on the Draft Estimates.

Coming to the question of taxation, I am really surprised at the arguments put forward by some members that war-time taxation must disappear immediately. Bearing in mind that we still have war-time expenditure, it is not possible to abolish war-time taxation so quickly. In fact, if we desire that social services and the development of this country should continue, and they must continue, then the country must be ready, if necessary, even to continue this taxation for a longer time than is technically necessary. One should not stand on technicalities in a matter like this, and it should be the privilege of this Council to revise its attitude if it is found necessary. This Council is not bound by a decision taken say three or four years back, and is entitled to revise it if it is in the best interests of the country as a whole. Some people have tried to compare the figures of 1939 and 1946, both revenue and expenditure. They overlook the fact that this country, except for some slight setbacks now and then, has continuously progressed for the last 50 years. Its revenue and expenditure are continuously increasing and they are

bound to increase if we want to go ahead. Therefore, to look to the past and compare the figures of past years is absolutely wrong, and I say that the whole question should be examined on its merits and not by comparing the figures of past years. One thing I should like to say is that a certain increase in expenditure which has taken place due to the reorganization of the Kenya administration lies to the credit of the non-official European members. We, the Indian members, are free from that guilt.

I should like to make a few comments on the details of this report. On page six, paragraph four, the Standing Finance Committee under the heading of Maize Control, states: "The committee has examined, in consultation with the Maize Controller, the manner in which the sum of £80,000 will result from transactions in native-grown maize. Similarly, a sum of approximately £28,000 will have accrued from such transactions and will have been credited to revenue during 1945, while further sums may accrue in future years" (and I want to lay emphasis on the words "future years") "as long as the present system of Maize Control continues."

Here I should like to remind Government about the understanding under which Maize Control was brought into existence. When a conference took place at the beginning of the war, three Indian representatives were invited to take part, before the creation of Maize Control. Three principles were accepted by the conference unanimously, and these were that (1) as far as practicable Maize Control had to be operated through the normal channels of trade, (2) that the Kenya Farmers Association would not get complete control of the administration of Maize Control, and (3) that it would be a war-time measure only. Now when the words are used by the Standing Finance Committee "future years," it gives the impression that the Government has overlooked or forgotten, or at least the members of the Standing Finance Committee are not aware of the understanding under which Maize Control was brought into existence. As there are wartime taxation measures, this measure also was introduced as a war-time emergency measure and if Maize Control is still necessary the question

[Mr. Patel] should be examined by a conference about its merits and demerits, but it should not be continued beyond the end of this year.

There is a very small point on page eight which I should like to refer to, paragraph 55, item three, Asian Officers Family Pension Fund. Expenditure on that is £260, a very small item, but I should like to remind this Council and the Government that when we discussed last July a bill amending the Asian Officers Family Pension Ordinance, in the objects it was stated "that it is considered that there can be no justification for a self-supporting fund for Asians when Europeans have a scheme which is subsidized by Government." As far as I understand it, the operation of pensions in regard to Europeans is carried out at the cost of the Government, and therefore I submit that pension funds in regard to Asians should not be operated at the cost of the fund. Though the amount of £260 is small it should be paid from the general revenue.

On page 27, paragraph 190, as regards training, the committee recommends that "in addition to any training facilities which may be provided in the Colony for African and European constables"—I want to draw attention to the words "African and European constables." I remember some time back it was intended to employ some Indian constables in the areas in townships where Indians reside, and if Government propose to accept that suggestion it will be necessary also to train these Indian constables. I do not know why some members always take it into their heads to omit the word "Indian" as if they were afraid of the word itself. During the course of my speech on the Draft Estimates I made a plea that the police lines in Mombasa should be built as early as possible, for two reasons. During the rainy season it would be necessary to hire a boat to go to these offices; also the site is reserved for an Indian elementary school. Until the police lines are built it will not be possible to start with the creation of an Indian elementary school in that area. For those reasons I submit that in the estimates of D.A.R.A. provision should be made for building police lines in Mombasa.

Finally, on the question of the note which appears on page 46 with regard to the reserve of certain members about the proposed inter-territorial reorganization. I do not propose to make any remarks because this Council will have ample opportunity of discussing the proposals at a later date, but as some mention has been made by some members I will just say that I do not think the Indian unofficial members and the European unofficial members will be able to see eye to eye on these proposals. With these remarks I support the report before the Council.

MAJOR KEYSER: Your Excellency, before I get on to the report of the Standing Finance Committee itself, I should like to take the earliest opportunity of dissociating myself—and in doing so I think I am speaking for most of my colleagues on this side of Council—from the remarks made by the hon. Member for the Coast—yesterday, when he described Colonel Grogan as a dishonest politician. Colonel Grogan, as we know, has given a good many of the best years of his life to the public work of the Colony, and to-day he has the confidence and respect of a very great number of people of this Colony of all grades and colours. (Hear, hear.) While I am on the matter of the hon. Member for the Coast, I would also like to take up another remark he made about my friend the Member for Nyanza, when he accused him of stampeding the country with the object of raising opposition to the budget. The hon. Member for Nyanza called a public meeting in his own constituency to discuss ordinary affairs of interest to his constituents. He went, for reasons of health and holiday, then, to the coast. I do not know whether he first got the permission of the hon. Member for the Coast to visit the coast, but that is probably what incited him to accuse him of stampeding the country. (Laughter.)

I am going to support the motion before the Council, not because I like the budget. I said in my budget speech that I did not like it, but I think we must agree that Government must have time for changing over from war to peace conditions in which to reconstruct their financial arrangements for the year. I support the motion from that point of view, but I do hope now that Government are impressed with the fact that the



## [Major Keyser]

Country does want a certain amount of sense in the next budget and that 1946 will be used as a period of reconstruction of the fiscal policy of the Colony. We have had quite a lot said about this opposition to the budget to-day and a certain amount of criticism from those who have opposed it. I think the hon. Member for Nyanza and the hon. Member for Aberdare have one country a great service by their opposition to it, because they have brought to the notice of the country and of this Council the dangers of not facing the consequences of peace and that some sort of sanity will be brought into the next budget.

I want, briefly, to refer to one or two matters in this report. The first is Maize Control, page six, to which the hon. member Mr. Patel has just referred. In my budget speech I asked the hon. Acting Financial Secretary if there was an item of expenditure showing what the expenditure of the Maize Control was, because I could not find it. I could find £80,000 revenue, but no expenditure. In his reply to the debate he said that was perfectly correct, the £80,000 contained the difference between gross revenue and gross expenditure. I cannot think why the Maize Control should have been singled out to have its profits shown in that form and no expenditure. I cannot find any other item in the Draft Estimates in which that procedure has been followed. It seems to me that Maize Control is the only case in which that procedure was adopted. We do want to know what these Controls are costing us, and I for one am very anxious to know what the cost of the Maize Control is. In the report of the Standing Finance Committee they mention that a profit of £80,000 was estimated and that approximately £61,000 will result from transactions in native grown maize. They go on to suggest that that money might be used in the native reserves in some Agricultural Department fund. I would like to point out to this Council that most of that £80,000 is made by the Maize Control's parsimonious methods of dealing with the maize traders. I doubt very much whether most of the maize traders in the reserves have managed to come out square, and I fancy most of them have really lost money on their maize dealings. I should like to see the Maize Control a little bit more generous to them, and

not make so much profit as they have been doing, or propose to make in the next year. I agree with the hon. member Mr. Patel that the time has now come when the question of Maize Control should be reviewed, because it is unsatisfactory at the moment in its present form, and I have good reason why the form of the Control should be changed.

The other point I have in the Draft Estimates, page 157, under War Expenditure Civil, where there appears an amount of £100,000 "reduction in cost of foodstuffs." I mentioned that also in my budget speech, and I understood the hon. Acting Financial Secretary in his reply to say that that was the amount of money that it cost to maintain the reserve foodstuffs in the Colony. Well, that I also understand is an inter-territorial undertaking, and I am also given to understand that most of the cost of that reserve, the loss incurred in keeping stocks of food in reserve, in the Colony has been borne by this Colony and that the other territories have not paid their fair share. If that is so, I should like, and would be very grateful if he would, the hon. Acting Financial Secretary in his reply to tell us whether that is the case and what steps this Government is taking in order to see that the other territories do bear their fair share of the loss on the cereals reserve.

On page 42 of the report is mentioned the question of Taveta and Ziwayi, and the committee has recommended that Government should produce a memorandum making a statement of how the moneys for Taveta and Ziwayi were spent. I should go a little bit further, and I should like to see Government appoint a committee of inquiry into the whole of that undertaking. It seems there is a very considerable amount of dissatisfaction in the Colony about it, and also quite a lot of doubt as to who is responsible for the fiasco it turned out to be. That committee could also decide what the policy in future with regard to Taveta and Ziwayi is going to be.

The last point I have to make refers to a matter brought up by the hon. member Mr. Mathu yesterday, when he was talking about African education, and he thought that the cost of elementary and primary education of Africans should be

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met by funds from the general revenue. Without going into a long debate on this, I for one am of the impression that this, I for one am of the impression that with the very vast increase there is going to be in the expenditure on education of the three main communities in this Colony, we should seriously consider some means by which each community will be able to pay for its own education.

I support the motion.

MR. ODEDE (Native Interests): Your Excellency, I was very pleased yesterday when the other African member of this Council introduced me to this Council and the other members showed a very good reception of his remarks. I am now going to take my part in this debate. I feel that I should support the motion because the condition of the native reserves is very poor, and unless money is spent on reconditioning them they will become worse. Furthermore, in a few years' time the native reserves will be a desert. So I feel I should support the motion and say a few words on the reasons why I support it.

The lands in the native areas are not only eroded but exhausted, and some places are infested, and so human life and animal life are impossible. Unless something is done about it and the lands brought back into better condition, the Africans in those areas will suffer. Therefore the Agricultural Department is faced with a tremendous work, and unless this Council help the Agricultural Department to fulfil its undertakings the native reserves will suffer a lot. Again, thinking about the health services in the native reserves, I have found that the Medical Department can do a lot more. The dispensaries in those reserves are not supplied with enough or sufficient drugs. Every time one goes to a dispensary all it has is a bottle of quinine or aspirin, and the Medical Department should be given enough money to supply drugs to those dispensaries. The local native councils and dispensaries are very poor, they are not trained, and cannot do their work properly. I should like one day to see a lot of African hospital assistants in those dispensaries, with Makere-trained assistant medical officers. Actually, at

present, the grouping of dispensaries is very bad, for there are no drugs and the dressers are very poor, so I feel something should be done about that, and because of that I should like to see this motion passed. As to the Veterinary services in the reserves, the Veterinary Department has stamped out rinderpest in a lot of places, but a lot could be done to improve the native cattle. This cannot be done unless there are trained Africans who go out to do this work, for the natives have to be trained and told of ways and means of improving their cattle. In order to do that trained Africans are required for work in the reserves, for Africans understand one another better than Europeans who are working there, so I feel that more Makere-trained assistants should be placed in the reserves. In order to have those people a lot of money is required for training them at Makere, where veterinary courses can be taken.

Coming back to the question of education, which I think is important, unless more education is given to Africans the condition of the native reserves will be very bad. It is the African himself who can save his land, and I feel something should be done about that. Education is required, and I suggest mass education for Africans. I recently heard that it was going to be adopted in the native reserves, and I am sorry that nothing has been done. I would ask Government to do something about it; while elementary and primary education, which I think is very important, should be given to all very young Africans of the age of seven to 18 years. The reason why I think that is very important is because, if these people are properly educated, they will care so that they can save their land, they will actually learn something for their future security, and so save their land in the years to come. Therefore I think that elementary and primary education should be compulsory for all African children. I do not want that education merely to be an education which will make the Africans clerks in the offices, but I would like the sort of education which would make Africans feel they are citizens of this country, and see that I would like to see Africans given some form of education. Secondary schools are badly needed in the native

[Mr. Odede] reserves, and I would like to see senior secondary schools started in provinces such as Nyanza, Coast, and Central. The Alliance High School should be lifted to college status, and the standard of education should be such that Africans can be educated to work in the veterinary, medical, agricultural, and other services. At the same time, I should like to see more Africans sent abroad to get higher education, so that when they come back they can become teachers of their own people. Such people will influence their own people and interpret Government's proposals to them, which they are at present suspicious of.

Because of these few things I support the report as well as the motion. (Applause.)

MR. DONOVAN: Your Excellency, I shall endeavour to confine my remarks to the details of the Standing Finance Committee report. There are one or two omissions from that report that I should like to comment on in addition. Before I—

HIS EXCELLENCY: I do not want to interrupt the hon. member, but if he has any amendments to suggest to the report he should have submitted them to the hon. Chief Secretary before this date.

MR. DONOVAN: I am not suggesting any amendment, sir. Before getting to details I should say how much I appreciate the care and consideration given by the Standing Finance Committee to the various points which I raised when I was before the committee.

Paragraph 100 on page 14: The hon. member Mr. Mathu raised, I think, a very important point when he urged the necessity for speed in conducting an inquiry into the expenditure on education, because I think it is quite clear that it is going to take a long time before we have the results of this fiscal survey, and a further considerable period before the results of the inquiry into expenditure on education are available, and the Education Department may, therefore, be faced with a most difficult position when it comes to formulate its draft estimates for 1947. I would suggest that, although there are obviously certain points of major importance, such as development, which can hardly be gone into until the fiscal survey has been com-

pleted, there are other points on which the committee could most usefully inquire into as soon as possible. Most important of them all is whether, or not our present educational services are being conducted extravagantly.

Paragraph 102: I am sorry that the committee did not make any remark on the request which I was authorized to make to them; that is, that consideration should be given to the salary scales under item 11, and also under two other items in the estimates. I think it was the hon. Member for Trans Nzoia who suggested that an investigation should be made into the possibility of each community paying for its own education. I do not know whether all hon. members are aware that many years ago European and Indian education was actually financed on a basis of communal taxation, and the attempt failed. There is a memorandum on the subject by the then Director of Education, Mr. Scott, and he pointed out that if education is to be placed on a communal system of taxation the allocation of expenditure becomes most difficult. There was, of course, then the further difficulty, that European and Indian education was actually financed out of an education tax and also a tax raised on the consumption of wines and spirits, which is rather an odd thing to combine with education.

Paragraph 111: I am very grateful to the Standing Finance Committee for this increase in the bursary vote, but I think hon. members ought to be left in no doubt that the vote will have to be increased still further in the years to come. Might I say here that, during the budget debate, the question of a particular award was raised, and I think the hon. Acting Chief Secretary may have unwittingly misled certain hon. members when he replied to the debate. He said I was a member of that board. It is true that I am a temporary member but I was not at the time the award was made, and therefore my statement during the debate to the effect that I acted merely as a post office was, in fact, correct.

Paragraph 124: I should like first of all to comment on the remarks made by the hon. member Mr. Mathu, who used the expression, I think, "slight improvement." I do not think that is entirely correct. The scale shown here in paragraph 124 for elementary teachers is

[Mr. Donovan] the scale which was recommended by the Advisory Council. It is made for lower primary teachers. It is true, has a minimum of Sh. 5 less and a maximum of Sh. 30 less than that originally proposed by the Advisory Council. Nevertheless these present proposals mean an increase in the minimum of Sh. 15 and in the maximum of Sh. 30, and as these two scales embrace the very great majority of African teachers I do not think they can be called only a slight improvement. They are a real improvement.

Coming to (d) of that paragraph, I am very sorry to see that the hon. member for the Coast did not explain why he dissented from the recommendation, because I had relied on his eloquent and powerful support on a matter on which the Education Department feels rather strongly.

MR. COOKE: On a point of explanation, I dissented from the recommendation that these scales should not be made retroactive. I was in favour of them being retroactive.

MR. DONOVAN: That is the paragraph I am referring to. (d). Let us take for example the elementary teachers. At present an elementary teacher with nine years service is in receipt of a salary of Sh. 38/50 a month. In accordance with the normal Government procedure he would go over to the new scale at the minimum of Sh. 40. So would all his juniors in the service, so will a person who has just come out of a training college, and I am certain in my own mind that we shall never convince the African teachers—not, indeed, teachers of any race—that that is a fair and reasonable solution. I admit that the Standing Finance Committee was faced with a very awkward problem indeed, that if the committee first of all realized that, if the Advisory Council's recommendations were accepted, it could not of course apply merely to African teachers but would have to be applied to all teachers, and secondly, the figures which were formulated in the estimate of implementing the Advisory Council's recommendations show that the cost would be very great indeed, I must sympathize with the committee in its dilemma. Sub-section (e) of the paragraph. There is a very important point there, and that is that

ever since the new scales of salary came in at the beginning of 1943 primary teachers have had a considerable grievance in that there has been a very great differentiation made between them and the Makere teachers, and I am afraid that, unless it proves possible in future to extend the maximum of the primary teachers' scale, that grievance will remain.

Paragraph 126. I was a little alarmed at the wording of the second sentence because the actual position is that in the department's estimate the cost of paying these allowances is estimated at £4,500 in the current year, and the bulk of that money will in fact be needed for existing staff, so it looks as if the Department will in any case be compelled to approach Government for a special warrant.

HIS EXCELLENCY: If the hon. member is going on for a little time this might be an appropriate point at which to adjourn for the usual interval.

Council adjourned for the usual interval.

Council resumed.

MR. DONOVAN: I now come to paragraph 237, page 34. This matter was raised by the hon. Members for Nairobi North and Mombasa. I think I am right in saying that the hon. Member for Mombasa said he did not remember the matter being raised in committee. My recollection is that he was present when I raised it myself, and was informed that no decisions had been reached on that subject. I would add my plea to that, that the reconsideration be given. I think the money is definitely wanted now, so that the classes may be expanded as soon as possible to meet a very great and growing need. For instance, there will be, I think, a not inconsiderable number of demobilized personnel and persons who will not go in for formal courses of training but will go back to their old training and will require new employment, jobs or perhaps enter the assistance which but who will require of this kind gives the running of their knowledge in order to brush up their knowledge in both general and technical subjects.

Paragraph 246. The question of permanent extensions to European schools. I think it would be wrong to leave hon. members in any doubt whatsoever as regards the position. It is a matter that does not concern Eldoret alone; it concerns Nakuru and it concerns Nairobi,

[Mr. Donovan] and at all those centres a very large number of children are accommodated both for boarding and tuition purposes in buildings of a temporary nature, buildings which I feel sure will fall down of their own accord within about the next two years, and I think we will be faced with the position, if we cannot get on with our permanent building programme, of either putting up more temporary buildings or else going in for a very expensive programme of patching, or even complete reconstruction, as has actually been the case at Nakuru during only the last few weeks.

Paragraph 247. I am sure that the committee will be glad to know that the suggestion contained in that paragraph has already borne fruit. I have very recently, only in the last few days, received an offer from one of the leading residents in Fort Hall, which is one of the centres where a new school building is required, more or less to the effect that if some such arrangement as that which was entered into by Government originally in connexion with the Government Indian girls school, Mombasa, is feasible, he thought that he and other leading members of the Indian community in Fort Hall would be prepared to put up the necessary building.

The hon. member Mr. Patel referred to the question of Indian scales of salary. No mention is made of it in the report for the reason that it was never discussed by the committee. The fact is that the examination of the proposals by Government had not yet reached a stage when they could be put before the Standing Finance Committee, but I should like to assure the hon. member that I am just as anxious as he is that decisions should be reached on those proposals, because I agree that until decisions are reached there is little likelihood of our being able to recruit trained teachers.

The hon. member Mr. Odede said, if I understood him aright, that we should have something like compulsory education for Africans between the ages of seven and 18. That is rather a staggering proposal, Your Excellency. I do not think anyone would deny that I have always been a protagonist of African education, but even I consider that is quite impracticable, even in the foreseeable future. The hon. member also

stressed the necessity for the general development of secondary education throughout the Colony. That is a matter that is bound up with the departmental development plans, and until the main Development Committee has reported and those proposals have been considered, not merely by Government but by the proposed committee of inquiry into educational expenditure, I am afraid there is little likelihood of our being able to get ahead in the matter.

Those, I think, were all the points which were raised during the debate, but before I sit down I should like to take this opportunity, as it may possibly be the last occasion on which I shall speak in this Council, of expressing my very great appreciation of the kindness and the courtesy which I have received from all members of this Council. (Applause.)

MRS. WATKINS: Your Excellency, I rise to support the report of the Standing Finance Committee and I should like to endorse, without repeating, all that the hon. Member for Trans Nzoia has said. I believe 1946 is our year of reconstruction. In fact, I propose to go as far as this. I propose to take these two books back now to different parts of my constituency and say: "That is the budget for this year; what do you want cut out of next year's budget? Don't just go hearing for reductions: tell us where." (Hear, hear.) I am going to try and get my constituents, before you get your budget out, to get out their own budget and send it in to me. This is what we would like. Then perhaps it would be something of a guide as to what the people are either prepared to sacrifice in services or are prepared to pay in taxation. I believe that the constituency I represent is a fairly representative one of town and country, and I believe that would be quite a good way of bringing home to the public that it is either less services or more taxation. I do not think that any part of the constituency would agree to police or education or roads being cut down, but there may be other items which they see they can cut out.

Finally, I should like to support the words said on behalf of Major Grogan. He made a mistake by not commenting on the recent barrage put up beyond saying that, whether he is mistaken or not, he is one of the most loyal friends

[Mr. Watkins] Kenya has ever had, or that any individual in this Council could have. I have had more help and more encouragement from Major Grogan than from any other person in this Colony, and I am very grateful to him, and he is one of my best friends.

MR. PRITAM: Your Excellency, I fully associate myself with all the speakers who have spoken in favour of the motion, but at the same time I do not underrate the value of the speeches made by my hon. friends the Members for Nyanza and Aberdare. I think these speeches will go a long way to checking Government extravagance. I fully endorse the remarks of the hon. Member for Trans Nzoia so far as the Ziway and Taveta schemes are concerned. These two schemes have cost a tremendous amount of money, and one wants to know how they were brought into being and who is responsible, in order that any future schemes may be fully gone into before they are launched.

Now I come to my pet subject: cereal crops. The time has come when the cereal grower should be paid one fixed and consolidated price. Hitherto he has been getting away with a lot of money, and yet it is generally known that he only gets Sh. 13 for his maize and Sh. 27/50 for his wheat per bag. That is not the case at all. For maize he gets a non-native maize contract, a guarantee for return, breaking grants, remuneration, over and fund of duty, on paraffin, and so on, and above that there have been grants for non-native maize contracted two months to me when I resigned Finance Committee and asked them what they knew about this particular item, it involves something like £50,000, and I was amazed to hear that they did not know anything about it. It is something like £50,000, and yet those gentlemen who are on the Standing Finance Committee did not know anything about it!

HIS EXCELLENCY: I do not want to interrupt the hon. member, but it might help Council to follow his points if he could tell us to what paragraphs he is referring.

MR. PRITAM: The Agricultural Production and Settlement Board.

HIS EXCELLENCY: Any particular paragraph?

MR. PRITAM: From the Draft Estimates, item 6, page 55.

HIS EXCELLENCY: But any particular paragraph of the Standing Finance Committee Report?

MR. PRITAM: It was £55,000 in the original Estimates, and has now been reduced to £50,000. It is a subsidy for non-native maize acreage.

HIS EXCELLENCY: The position then I think is that the hon. member is referring to the Draft Estimates and is not speaking to any particular paragraph of the report.

MR. PRITAM: It has been reduced from £55,000 to £50,000.

HIS EXCELLENCY: Paragraph 84, I understand, deals with this matter.

MR. PRITAM: Anyway, it has been reduced from £55,000 to £50,000. My point is that although the payment to cereal growers is only Sh. 13 for maize and Sh. 27/50 for wheat, he gets quite a bit of money in other ways of which no account is taken. In 1943/44 he got £60,409 to grow only 364,653 bags of European maize. In 1943 364,653 bags of European grown maize were delivered to the pool. Against this he had £18,567 by way of breaking grants and £41,842 non-native subsidy. Apart from this he had a refund on petrol and paraffin duties—I do not know what that amounts to—and then he has a subsidy for fertilizers. Likewise, in 1944 and 1945 the European grower produced 578,386 bags of maize for which he had £20,949 by way of breaking grants. Although in the estimates only £40,000 is provided for subsidies to non-native growers, I think in fact it would come to £43,678-2-0. If that was to rely on the figures that appear in the Kenya Farmers Association balance sheet, there were 124,792 bags of maize delivered in excess of a bonus of figures, and each bag carries with the Sh. 7. The time has come when the cereal growers must be paid one fixed and consolidated price and all these indirect payments should be stopped.

Apart from this I have nothing to say, and I heartily support the motion before the Council.

MR. CHIEF GOVERNMENT-BENNETT: Your Excellency, in view of the last speaker's remarks I feel I should also like to give a few, perhaps lucid, figures: in respect of the item he has raised about non-native maize acreages and subsidies gra-

[Major Cavendish-Bentinck] erally to European farmers. It is true that during one year, that is for maize planted in 1944, a system was arrived at and agreed to by this Government and by the Secretary of State, whereby a sliding scale for maize delivered above a certain minimum to the Cereals Pool there should be a bonus, on a sliding scale. That was applicable not only to Europeans but to native growers of maize, and Indian growers of maize. That system was carried on for one year. What really happened was that the Europeans produced 124,792 bags more than the minimum; the native figures are still not finally computed, but they also produced a considerable excess; the Indian community was minus, or a very small quantity.

Taking the position of subsidies as a whole apart from that one, the actual figures are these for the first four years during which the Increased Production of Crops Ordinance has been running. Cash advances to farmers against minimum guarantees—interest, I might add, being at 4 per cent which accrues to Government coffers—totalled £293,303. Barring one trivial debt dating back to 1942, recoveries with interest have been effected, and the losses to Government through bad debts are, one might say, negligible. Grants for breaking new land, which are not recoverable, £207,310, and there may be about another £10,000 still outstanding. Guarantees against failure of farmers' produce, which have amounted, I may say, to a potential liability to the Colony of over three million pounds, the same one claims so far for four years are £42,212, which is about 14 per cent of the contingent liability. The maize acreage bonus is Sh. 750, and this the hon. member Mr. Pritam also alluded to. Under this system, whereby if a man is given a planting order and cultivates his maize to the satisfaction of the Agricultural Department and the Local Production Subcommittee he gets an acreage bonus of Sh. 750. On the total amount so far expended on that has been £42,000 the first year and £45,000 for 1945. I may say that, as regards maize in 1942, it fell to an acreage of 86,000 as far as non-native producers were concerned, and I foresee and was right that there was going to be a very serious shortfall in maize production according to the re-

quirements of these territories. Therefore we had to do everything we could to stimulate it, and the results of our efforts, as regards European maize, which is after all the question raised in this debate, is that we had 86,000 in 1942-43 put up to 141,000 acres in 1945. Maize is not a popular crop, because hon. members opposite know better than I do that it involves labour and other difficulties and the price is not high. Regarding fertilizers and grants for manure, the total disbursed to date is £47,000.

The total of all those amounts to very nearly £400,000 over four years. What has it produced? In war-time, when we were short of food in 1941, the year the ordinance was introduced, we grew 818,000 bags of cereals in the Highlands. In 1942 we grew 1,105,942, in 1943, 1,594,000, in 1944 1,657,000, and in 1945 our most recent estimate shows very nearly two millions. Up to date, over the first four years the cost was £400,000, and if you work out these costs in terms of increased production you will find that it is about Sh. 2/50 per bag. I submit that Sh. 2/50 a bag, which we got for our £400,000, is pretty good economy compared with the cost of importing foodstuffs. (Hear, hear.)

There were one or two other points, but I think they can be answered by others. I would like to say one thing about Maize Control, which is really an inter-territorial affair, in the shape of the Cereals Pool, and the cereals position generally. It is this. Whatever may be the shortcomings of the Maize Control I am sure that if hon. members opposite like to spend some time to go into it the hon. Acting Financial Secretary and I myself and the Maize Controller would be only too glad to answer any question showing exactly what is happening. Again I would like to say what I have said before, that we are skating on very thin ice indeed regarding the food position in these three territories. I personally do not think there is any hope of our not having some form of control over the main foodstuffs of these territories—that is, maize and wheat—for not one, but probably at least three years. It may be unpalatable, but I do not think anybody here takes the risk of general famine with the necessity for the importation of foodstuffs which we may not be able to secure. I should like to make that point clear.

Mr. MUNDY: Your Excellency, as hon. members are aware, I was not present at the meetings of the Standing Finance Committee and therefore it is not easy for me to deal with matters arising out of its report. But there have been a number of matters put up by hon. members during this debate which I can deal with. I am afraid that I shall take rather a long time, but I think it is very necessary.

First of all, I should like to thank the hon. Member for Nyanza for his speech. It was a very quiet and short speech, and he explained to me very clearly the reason for his attitude to the report. I appreciate what he meant, and I think that speech of his will carry a lot of weight. But, in addition, he and the hon. Members for the Coast, Mombasa, and Ukamba stressed the need for increasing the wealth of the Colony, and I would like to say that I think that side of this question needs every bit as much attention as the question of an increase or decrease in the recurrent expenditure. Then the hon. Member for Aberdare said a lot in a very few words.

He first of all declared that the Government had a dishonest policy. He then said he was not satisfied with the answer to Question No. 151, and as his reasons he referred to Sir Henry Moore's statement, which had already been dealt with in the reply, and he went on to say that one of the reasons was that Lord Francis Scott was quite accurate in his recollections. In the second "whereas" of this question Lord Francis Scott is stated to have written to the *East African Standard* on the 17th December, 1945, in which he stated: "In 1939 I was chairman of the European elected members man of the European electorate in my and there is no doubt whatever in my mind but that Government did undertake to take off this war emergency legislation following the 'end of hostilities'." That expression was carefully chosen by the Government so that there could be no ambiguity. After the former Great War the expression "end of the war" had various interpretations." Lord Francis Scott had no doubt in his mind about this and the *Standard* on November, 1943; he said this: "When this Council agreed to the very large increases in income tax, the Government gave the definite assurance

that it was only for the period of the war." No ambiguity!

I know it would be quite easy to wriggle out of that by saying that all these various expressions about the end of the war—I have traced at least 12 different versions—all meant the end of hostilities because of that one reference by Sir Henry Moore. I think the view of the hon. members on the other side of Council make it quite clear that no one would accept that. He then went on to say that any expectation of reductions in taxation was cancelled out by me as Acting Financial Secretary by my forecast of what income tax would bring. It indicated, in fact, that the present prevailing rates of income tax raised for war purposes would continue. I think he may have got that idea also from another source. There was a leading article—or I should say misleading article—in the *Standard* a little while ago in which the same suggestion was made. I do not know what they know about my mind, but I will tell them frankly that I have not made up my mind and I have nothing to do with fixing the rates after the war; they will be fixed with the consent of this Council. It is on this weak argument that the hon. member, flustered up by suggesting that Government had descended to a trick. He went on and said we should then use our surplus balances to reduce our taxation. I do not know whether I have mentioned him that he is wrong, but really I say this quite seriously, if I have not I do not really worry too much about it. I will turn to the speech of the hon. Member for Nairobi South, who raised a number of important questions, which I shall deal with. He lifted Question No. 151 with this pamphlet: "The Plot Unmasked," and pointed out that this involved every member of this Council, and asked me to deal with it. I am very glad to have the opportunity of dealing with it, much as I regret the fact that I must give publication in this pamphlet has already been covered in the reply to that already. The hon. member said, and I appreciate why he said it, that he would appreciate if Government stood by the reply they had given. I did not see any advantage of that in dealing with my hon. friend the Member for Aberdare, but I think that what I have said there, really finishes the matter. The

[Mr. Mundy] second part of this pamphlet deals, or infers, that Government has misappropriated moneys raised from the people of this Colony which should have been devoted to war purposes. I think an easy way of dealing with that is for me to read the statement which Government published in reply to a speech made by Colonel Grogan, and I hope Council will bear with me in reading this, because I think it should go down in Hansard. I will begin reading it. (Mr. COOKBY: Not all of it?) I fear so.

"In the course of his address to the Nairobi Chamber of Commerce on the 11th of December on the subject of the 1946 budget, Colonel E. S. Grogan is reported as making the following quotation from the speech which the then Financial Secretary made on the 4th of December, 1940, in introducing the 1941 Draft Estimates: 'To deal first with the question of reserves, we started the war with a surplus revenue balance of £400,000 and in view of the undertaking to devote to war purposes any surplus realized during the war we shall end the war with no more than that amount.' Colonel Grogan is also reported as having continued his speech in the following terms: 'What are the facts to-day? The Estimates show a surplus balance as at 31st December, 1945, of £1,830,000. Excess Profits Fund at about £2,000,000. Post-war Fund £400,000. War-time Contingency Fund balance £500,000. Loan. His Majesty's Government £500,000; total £5½ millions of reserves. As the war is over, a reserve of 5½ millions against £400,000, seems a fishy way of 'devoting any surplus realized during the war to war purposes.'

"The suggestion in his remarks is that the Government of Kenya raised taxation for war purposes, but, in the event, devoted it to the accumulation of surpluses and reserve funds of one sort or another. The fact is that during 1941, some seven months after the Financial Secretary's speech referred to above, the policy of the Kenya Government changed as a result of the Secretary of State's despatch of the 5th of June, 1941, which was published in this Colony on the 13th of August, 1941, and the change in Government

policy was made clear in the statement which the Government of Kenya published on the 14th of August, 1941, regarding that despatch, as the following quotation shows: 'The despatch then deals with policy in regard to financial assistance to His Majesty's Government in the United Kingdom for the prosecution of the war. The Secretary of State has decided that Colonial Governments should regard as a first call upon any realized surplus, the building up of reserves to be used in post-war reconstruction and suggests that such reserves should be lent to His Majesty's Government free of interest for repayment at the end of the war. It has been the policy of the Kenya Government hitherto to utilize any surplus of revenue over expenditure during the war years as a free gift to His Majesty's Government for the prosecution of the war.'

"This change of policy was also referred to in the Governor's address to the Legislative Council on the 18th of November, 1941, when he opened the Budget Session. *Inter alia*, he stated as follows: 'It was originally intended that the whole of this surplus (i.e. the surplus on the working of the year 1940) should be utilized as a free gift to His Majesty's Government for the prosecution of the war, but this intention was finally abandoned as a result of Lord Moyne's published despatch on Colonial financial policy, and in consequence the sum of £200,000 has been returned to the surplus revenue balance where it properly belongs.'

"It was during that same Budget Session that two important measures to provide additional revenue, namely the War Revenue (Customs and Excise) Bill and the War Taxation (Income Tax) (Amendment) Bill (which was referred to in the course of Colonel Grogan's address to the Chamber of Commerce) were introduced and passed. It is reasonable to assume that at the time these Bills were before the Legislative Council, the members of that Council were fully aware of the change of policy referred to above; indeed, on the 18th of December, the day before the second of these bills passed its third reading, the then Financial Secretary,

[Mr. Mundy] in introducing the motion into the Legislative Council regarding the establishment of a reserve fund of £500,000 and the lending of that amount, free of interest, to His Majesty's Government, stated as follows in the course of his remarks: 'To deal with the second part of the proposal, which is the loan of £500,000, free of interest to His Majesty's Government, as hon. members know, when the war first broke out free gifts and loans to the Government at home were made by many parts of the Colonial Empire and from the Dominions. We in Kenya at the beginning of the war had our own war preparations to make, and at that time our finances did not permit of any gifts of that sort. But after 1939, in 1940 it became apparent that our finances were improved, and it was indeed decided that any surplus made that year should be given as a free gift to the Government at home. That policy was subsequently modified. Indeed, it was a modification of policy which His Majesty's Government themselves made, and they put forward the proposal that such gifts from the Colonies should not in future continue as free gifts, that the money should be set on one side for necessary post-war development which we all contemplated, and that an interest-free loan of such sums as could be spared from the requirements of the finances of the Colony itself could be made to the Government at home.'

"In the course of his address to the Nairobi Chamber of Commerce Colonel Grogan quoted an extract from the same speech of the Financial Secretary; he did not mention or quote that portion of the Financial Secretary's speech which is quoted immediately above.

"There are other statements in Colonel Grogan's address which the Government cannot accept as an accurate presentation of the facts, but it does not propose to comment on them at present."

Mr. COOKE: On a point of order, would the hon. member inform us whether Colonel Grogan was a member of this Council at that date and if he made any protest at that time against the change of policy?

Mr. MUNDY: I am afraid I am not quite sure. (Members: Yes.)

His EXCELLENCY: It may be possible to answer the question later on in the debate.

Mr. MUNDY: Colonel Grogan, after that statement was published, wrote to the *East African Standard*, and said in the letter—he referred to the receipt, as he called it, of the Moyne despatch, which was dated 5th June, 1941, and said—"The next big increase in taxation was the excess profits tax. In the course of the debate on June 18 (compare date of Moyne despatch), 1941, Government was still leading us to believe that these taxes were for war purposes, as witness these extracts from the debate." Before I mention them, the Moyne despatch was actually received in this Colony on 14th July, 1941, so that at that time this Government had certainly not received that despatch. But even if they had, there are these two quotations. In the first one I said: "The intention is that the money should be used for some purpose to the benefit of Great Britain . . . and when the tax is finally wound up there will be, I hope, a substantial contribution towards the cost of the war." You, sir, said: "Clause 20 is merely implementing the policy already agreed to by this Council, namely, that at the present time, when we are all out to do our very utmost to help the cost of the war, certain additional taxation has been imposed on the people of Kenya in order to help to meet that cost." That was with regard to the Excess Profits Tax Bill, and I think to the hon. members are perfectly well aware that clause 20 as introduced into this Council at that time before the Moyne despatch was received provided that that money accumulated in the fund shall be given as a gift to His Majesty's Government towards the cost of the war. That word "shall" was altered to "may" in this Council, with the consent of the Council, and mainly by reason of the speech of Colonel Grogan at that time.

It is quite clear that there could be no misapprehension at that stage that the money was not to be provided towards the cost of the war. It was only last year that we received the good news that the Secretary of State was generously handing us back that money for the development and welfare of this

[Mr. Mundy]

Colony. That disposes, I think, of this second allegation.

There is then a reference to the excess profits tax and that the assurance has been implemented in respect of the excess profits tax. I introduced a bill into this Council this session getting rid of that tax, and hon. members are well aware that I explained perfectly clearly the reasons why excess profits tax was being dealt with in a different manner from these other taxes.

Finally, this paper contains a number of very strongly worded suggestions, and I just want to read one: It is suggested as one of the explanations: "that the East African Governors decided by a trick to maintain these war taxes in being until such time as they could inflate their bureaucratic personnel sufficiently to necessitate the retention of these war tax rates as permanent peace-time rates and thus establish a permanent condition of state socialism." I am not going to quote any more, but I feel quite sure that hon. members have expressed themselves in no uncertain terms on the other side of Council, and they will agree with me that it is beneath the dignity of this Council to discuss this sort of thing (Hear, hear.) I might, perhaps, just refer to one other of these pamphlets, in just a different way. There is this advertisement which says: "Support your members in defeating this Fascist defiance of the democratic principles for which we fought the war." That refers to Question No. 151. I wonder where the "defiance of democratic principles" really lies, and whether it really is in this new league, in this new 1945 league? Who are the members of it, how many there are, who elected their executive, and have they approved of these different documents? I wonder whether the members who signed on the dotted line in the newspaper have approved this sort of propaganda?

I do not think I need take up any more of the time of the Council in disposing of "the plot unmasked." I notice that there is a question mark in the middle. I do not know whether that is a legal safeguard, but it is fair for me to say that the question mark may now be erased for the plot has been unmasked. (Laughter.) This morning another misleading article in the *East African Standard* also con-

tains a similar thing, and I will take this opportunity of dealing with it, because if this sort of thing goes on the public of the Colony should be able to assess the value of this sort of thing, and I feel sure they will not have as much hesitation in rejecting it. In his to-day's *Standard* it says: "Despite all those carefully worded statements by high authorities, we are now solemnly told that the real, and operative interpretation of definition of 'the end of the war' was given by the Attorney General in connexion with something entirely different—not a taxation measure at all, but a bill in connexion with restrictions on rents! It was in April, 1940, that the Attorney General gave a very general answer to the effect that His Majesty's Government would in due course issue a proclamation saying on what date the war would end. But it was four months later—in August of that year—when the war taxation measures themselves were being debated that the Government was pressed to say—in connexion exclusively with taxation—what was officially meant by 'the end of the war.' The Government did not say: 'You have already had an answer to that question from the Attorney General in April,' or repeat it. What it did was to use such phrases as 'end of hostilities,' 'termination of the war,' and so on to meet the expressed fears of the Elected Members that the clause in the taxation bills providing for their termination was not clear enough. It has to be remembered that the Council was at unusual pains to try to get the wording right so that when the time came here should be no doubt."

The real fact is—and I rather hoped there would be some reporters here from the *East African Standard* in view of this important debate, that they might give publicity to this debate, and give it accurately—that the Governor used the phrase "end of hostilities" before the debate on the wartime taxation proposals began, and the Financial Secretary used the expression "the expiration" of the war" in the second reading of the War Taxation (Customs and Excise) Bill. That second reading was passed without any unofficial member speaking. Similarly in regard to the War Taxation (Income Tax) Bill, the Government was not in any way pressed or asked to state what was officially the end of the war. This sentence which is put in there, that

[Mr. Mundy]

Council was at unusual pains to try to get the wording right so that when the time came there should be no doubt, is entirely incorrect, and at no time was any suggestion made from hon. members that an official explanation should be given in August, 1940, as to what was meant by the end of the war. That, I hope, disposes of that.

The next question which was asked by the hon. Member for Nairobi South was on the proposed fiscal survey. He asked me how the survey originated, how it would be conducted, what would be the unofficial association with it and how the recommendations would be dealt with. I find that a request for a fiscal survey in this Colony when the war was over was made as long ago as September, 1940, by a resolution of the Nairobi Chamber of Commerce, and further unofficial representations have been made from time to time, not only here but also in the other East African territories. Last year the Government agreed to carry out that survey, and in the meantime steps have been taken to secure suitable personnel to undertake the work. At the commencement of this session it was announced that Sir Wilfrid Woods had offered his services. His terms of reference, which will include matters of taxation, as the hon. Member for Ukamba asked me, are at present under consideration and they will be published in the course of the next week or so.

So far as association with unofficial members is concerned, Sir Wilfrid has already telegraphed that he proposes to start his inquiry by hearing the views of hon. members of this Council and of representatives of industry and commerce, and has asked that, if necessary, preliminary arrangements to enable him to do that should be made forthwith. He will no doubt welcome evidence from similar sources as his inquiry progresses. I think I should say that Government does not consider it would be praiseworthy actively or directly in his work, as his inquiry will cover a very wide field, and this proposal would involve selecting people to represent not only the three races but also the various branches of commerce, industry and agriculture to such an extent as to make the whole set-up unwieldy. Sir Wilfrid will make his report to Government and that report will be

laid on the table of Council and can be debated. Any other alterations in taxation, except of course specific alterations to the customs and excise tariff, will be brought before Council as early as possible this year, as I have already stated.

The hon. Member for Nairobi South dealt with the question raised by the Electors' Union regarding an interim budget for 1946. He gave very adequate reasons for not being able to do that, but I just wanted to say I agree entirely with what he said.

The hon. Member for Nairobi North raised the question of the Nairobi continuation classes. I do not know whether the hon. Director of Education was hidden somewhere in the committee's room, but he seems to know a lot about what they thought. It seems to me that as a result of the points which have been raised in this debate, it should receive further consideration and I will have the matter referred to the Standing Finance Committee again at a very early date.

He also raised the question of the Financial Secretary's responsibility for expenditure in relation to heads of departments and he suggested that we should estimate revenue and then cut it up between the various departments and let them say how they are going to spend it. I do not think that would be very satisfactory. One department would, I am sure, collar the lot; probably quite unnecessarily—if it did not need the money (Mr. COTTRELL: Hear, hear.) Thank you, and another department, which might have very urgent demands, would not get its fair share.

Mr. VASEY: On a point of explanation, I suggested that the Standing Finance Committee should allocate the money to the different departments.

Mr. MUNDY: I accept that I am afraid it is a little difficult to note these things as down accurately at the time; they are said. The position in 1945 was exceptional. Hon. members are aware that in September last year a new procedure, under which Members were installed under their departments, was being initiated and it was not possible to consult them and I think we would have liked to deal as freely as we would have liked in 1946. I think the Financial Secretary will be happy to discuss the whole question with heads of department and obtain their views on

[Mr. Mundy] where the revenue should be allocated, having regard to the priority or the urgency of the particular expenditure concerned.

The hon. Member for Rift Valley proposed to congratulate the Government, I think, about seven months later. I wonder whether he has a bookie who will accept bets after the horses have gone by the post, because if so I should very much like to know who he is! He dealt with the war elements in departments' expenditure, and I think he said that heads of departments should be brought to book if they have not got rid of them. I have no need to protect heads of departments, but I should point out that those war elements include cost of living bonuses and additional costs of transport which no head of department could ever be held responsible for.

The hon. Member for Ukamba asked me if I would state what steps are being taken to stop tax evasion. Statements have been made in this Council before that the real reason why we cannot deal with it as we want has been lack of staff. That, I think, has been criticized for being not a reason but an excuse. Now it is a reason Government has done everything it could to secure the right staff and to fill the establishment of the department. I mentioned that during the course of the budget debate. I admit there is a lot of fraud and evasion going on; I know of it and I know how to deal with it. As hon. members may be aware, an investigation branch of the department has recently been set up, and I can tell them it is making very good progress. It has already discovered a number of very complicated frauds which satisfied me that an investigating accountant of the calibre of Mr. Coton, who is in charge of that branch, can carry out his work as successfully in East Africa as he did in the United Kingdom for 17 years before he came here. Hon. members may also have noted that the Standing Finance Committee has inserted a new sub-head for this investigating branch, with revenue anticipated at some £30,000 for the current year.

As that matter has been raised I ought to make it very clear that the Income Tax Ordinance provides very severe penalties for fraud and evasion and, possibly as a result of this investigation branch,

already people have been coming to me and asking whether if they make a full confession I would relieve them of all the penalties. I want to make it perfectly clear that I hold out no inducement whatsoever to anyone, but I regard it as clearly my duty to take into account any extenuating circumstances, such as voluntary confession, if a case comes to me and it is a proper one in which I should, under the provisions of the ordinance, make some remission of the penalties charged.

The hon. member Mr. Patel and the hon. Member for Trans Nzoia raised a question regarding Maize Control. This has partly been dealt with by my hon. friend the Member for Agriculture. Unfortunately, this is the one question which I know nothing about and it rather spoils what I had in mind to say as my last few words, and that was to thank hon. members for appreciating the difficulties of being in this temporary position and not putting any awkward questions up to me. (Applause.)

MR. FOSTER STUTTON: Your Excellency, I propose to follow the example set by the hon. Member for Nairobi North by dealing first with a few details that were raised by hon. members during this debate. He himself asked, regarding the inquiry into the police terms of reference, that Government would make the terms of reference as wide as they possibly could. That is Government's intention. It is intended to make the terms of reference wide enough to cover the whole field. Then he asked me if I agreed with the recommendation contained in paragraph 145 of the Standing Finance Committee report regarding the suggestion that the Conservator of Forests should be made arbiter in assessing damages in the matter referred to in that paragraph. I should like to say I entirely agree with the views the hon. member expressed. I think that the Conservator of Forests would be an unsuitable person to make the arbiter.

While dealing with the police, I should like to touch on the point raised by the hon. member Mr. Shamsud-Deen, who I am sorry to see is not here. He complained that in spite of all that has been said during the debate on the Draft Estimates no real changes have been made in the Police vote. My hon. friend on my right (Mr. Mundy) has already

[Mr. Foster Stutton] explained why. When the Commissioner of Police and myself attended a meeting of the Standing Finance Committee, it became obvious that it was an idle matter to make any further provision regarding personnel because it has been found, up to date, almost impossible to get them, and the Commissioner of Police is of the opinion that we will not even be able to bring the Force up to the present approved strength during the year 1946. He also made a statement which I thought—as I say, I am sorry he is not here—was a very ungenerous one: he said he had found it perfectly useless to approach either myself or the Commissioner of Police and ask us to make investigations into complaints regarding crime. I think every complaint that is made is carefully investigated. It is not always result in a prosecution taking place. That is not because there is any lack of good will; it is merely because it is not possible to procure the necessary evidence. I think the hon. member probably, on further reflection, would be prepared to reconsider his statement. I personally have looked into every complaint that has ever been made to me, and I am quite sure the police do the same. He made the sort of statement which I think does a certain amount of harm because it sounds plausible. He said that the majority of the police were tied to their desks and did nothing but office work. That statement is not correct. If he had any idea of the thousands of cases that are investigated by the police he could never find it possible to make such a statement in this Council.

The hon. Member for Kilambu made a point, and I ask the leave of Council to deal with it now, because I think it is only fair to one of my own staff. I forgot to deal with it during the debate on the Draft Estimates. She made a statement to the effect that a case which had recently been tried in Nairobi had failed through not having a professionally trained prosecutor to conduct the case. In point of fact, there was a trained prosecutor there, and the case fell to the ground for a number of reasons, none of which could be attributed to the reason that she stated. In point of fact the mistake that was made was made inadvertently by the police, who sent witnesses as to identity off to Thika and the authorities there, not knowing any-

thing about the case, sent them back to their reserve, so that when the time came to call them they were not available and it was impossible to get them.

The hon. Member for Rift Valley also made a point in the budget debate which I did deal with in a personal way by sending him a note because I forgot to deal with it when I was on my feet. He drew attention to an item in the Estimates under the heading woman power, and he asked whether it was not in fact being increased at a time when one would normally expect it to be decreased. Nobody dealt with it, and it is only fair that I should be allowed to say this publicly now. There was a mistake in the Draft Estimates. The figures against woman power should have been inserted against man power, and the man power figures against woman power. If hon. members will turn to page 41 they will find the correct figures were £12,600; they have since been decreased by the Standing Finance Committee to £7,600, making a difference of some £5,000 odd.

Before passing on to another subject I should like to say this. These regulations, we all know, are likely to come off in the near future, or anyway most of them, but I should like to pay—I am glad to have this opportunity of doing it—a tribute, publicly, to the person who has had the most unpleasant and thankless task of doing the majority of the work in connexion with Woman Power Control; I refer to the Deputy Director of Woman Power, Mrs. Trim. (Applause.) I had the misfortune to be associated with that particular branch of the Defence Regulations myself for a year, and I can speak from personal experience. I think it is a thankless task, and it is certainly a most unpopular one, and I think that the Government owes her a considerable debt of gratitude. She carried on that work for years on an entirely voluntary basis.

The hon. member Mr. Patel raised a point which he also raised in the debate on the Draft Estimates regarding the police fines, Mombasa. I am not at all pleased with the position myself, but I will give him an assurance that I will look into the matter, and see if it is possible to take early action on his suggestion.

I think those were the only points raised on matters of detail. The hon. Member for Nairobi South raised one or

[Mr. Foster Sutton] two points which I think to some extent have been dealt with by the hon. Acting Financial Secretary.

He made a statement first of all that it was the duty of this Council to put its intention into the words used in legislation. That I entirely agree with. He also said that there was reluctance on this side of Council to agree, on some occasions, to that policy. All I can say is that I have not been aware of that reluctance since I have been a member of this Council, but in future, certainly, I will support any effort on the part of hon. members to make our intention clear. I regard it as being the duty of a draftsman when drafting legislation to use as simple language as possible and to make the intention abundantly clear (hear, hear), and even if it is a question of making it a little longer, as I think he suggested, we had better do so. In that connexion hon. members on the other side are not entirely, in my opinion, free from criticism, because I remember when I first came here that we had a Land Control Bill which had been published and, generally speaking, there was on most of the matters in the bill, a considerable degree of agreement. But there was one thing which shocked me because you appeared to be agreeing to the Governor in Council making rules settling in the manner in which compensation should be paid to persons whose land was compulsorily acquired under that bill. That struck me as a most extraordinary procedure, and when we had our select committees on the bill we went into the matter and hon. members will remember that we set out the procedure in the bill as it should have been done in the first instance.

He also asked me to say why February 24th, 1946, had been selected as the date on which the Governor should make his proclamation under the various war-time measures which have been mentioned during the course of this debate. That date is the date upon which the Emergency Powers (Defence) Act in the United Kingdom terminates. Hon. members will probably be aware that that Act was first passed for one or two years, and it has since been continued periodically by further enactments, and the last enactment continued it for a period of six months, and that period terminates on

the 24th February, 1946. The matter was taken up with the Secretary of State and he, in dealing with that particular point, said this: "The general practice in the United Kingdom has been to relate war-time enactments not to the duration of the war but to the current Emergency Powers (Defence) Act." In the United Kingdom most of their legislation has been related to that Act, and it seemed reasonable and proper that that should be the date selected in this country and by the other East African territories. It seemed a logical date when we have been acting under powers conferred by the Emergency Powers (Defence) Act all through this war, and it seemed to this Government and the other East African Governments and the Secretary of State as being a reasonable date to select for making such proclamations.

Why was that wording that we have been hearing so much about in this Council selected? I have not had the advantage of having been present during the debates, so I do not know except from reading Hansard, which I have done; what exactly was in everybody's mind, but I know why it was left to the Governor by proclamation: because after the last war, or during the last war, in the United Kingdom they passed legislation which read as follows: "This Act shall have effect during the continuance of the present war and for a period of six months thereafter," and practically all their legislation was worded in much the same way. We followed suit. There are a number of them; I only mention one. There was an ordinance similar to that relating to customs during the present war that said this: "This ordinance shall continue in force during the continuance of the present war." I do not know if hon. members remember, but after the last war, all these war-time measures continued for a considerable period, in some cases for a number of years. There was a considerable amount of acrimonious debate as to when they should be brought to an end and, as you can see from the wording, it depended entirely on the legal construction. In point of fact, the only person who can terminate a war in which the Empire is engaged is His Majesty the King. The United Kingdom and the Dominions do not make war through their Governments; the King declares war, and it is only the King who can, by proclama-

[Mr. Foster Sutton] in law declare a state of peace, and, in law declare the last war declare he could not after the last war declare this until the peace treaties had been entered into and ratified by the various Governments. That is why a different procedure was adopted during this war both in the United Kingdom and throughout the Empire, because they did not want to leave it to legal argument as to when legislation should come to an end. They wanted to be able to bring it to an end, by proclamation, within a reasonable period after hostilities ceased.

I do not think it is any good labouring that point any further. I do not personally think that anybody could really believe that that clause was related to hostilities, but the hon. Acting Financial Secretary has in the main dealt with that point and I do not propose to labour it. Certain expressions of opinion were made yesterday which I feel should be dealt with a little more specifically. The hon. Member for Aberdare accused the Government in very plain language of being dishonest and of being tricksters. Those are strong words and, speaking for myself, and I am certain also for my colleagues here, if I believed them to be true I myself—and I am sure others feel the same—would cease to be associated with any such Government. But I do not believe them to be true. I think when such words are employed and Government is accused of being tricksters, I think we might examine what has taken place in this Council. We had a long debate on the Draft Estimates. Unless we were all asleep, we all realized that those Draft Estimates were to be a very large extent based on revenue to be derived from the war taxation measures. If we had have expected the hon. member, should have expected that he if he really and honestly believed that he was being tricked or treated dishonestly, when he almost in his opening words had given me up to speak on the Draft Estimates to make that accusation then (Mr. Cooke: Hear, hear.) But did we hear anything? No such suggestion was ever made, and I am going to suggest that the suggestion made by him yesterday is an afterthought, not necessarily of his but of the person whose name has been repeatedly mentioned during this debate today.

MR. WRIGHT: I protest, on a point of order I protest. The suggestion of dis-

sent has resolved itself around these words "the end of hostilities." I believe quite honestly that unconditional surrender can mean nothing else but the end of hostilities. I have never been inspired to put any other interpretation and I resent the suggestion. Further than that, the references to conditions obtaining after the last war are not on all four with what has happened in these wars. In the last war we did not have unconditional surrender but an armistice, the peace was not signed until a long time afterwards but being a simple-minded Scot, to me the end of hostilities is exemplified perfectly in unconditional surrender.

MR. FOSTER SUTTON: The hon. member may be a simple-minded Scot but he has not in his protest answered the point I was making, that if that was his belief and it is not an afterthought which I do not unreasonable think that one was entitled to expect he would make, this damning and offensive accusation at the first available opportunity, which was when he got up and spoke on the debate on the Draft Estimates. I feel, speaking as a member of Government, that I am entitled to refute any such suggestion, which I consider to be offensive and untrue!

MR. SUNDROO: Your Excellency, in replying to this debate I have little to add to what has been said by hon. members on this side of Council and by most hon. members on the other side. It seems clear that, with the exception of the two hon. members on the other side of Council, this report will be accepted, and is, indeed, welcomed by the Council. The hon. Member for Nyanza has made his protest, and we understand his attitude, although we may not agree with it. It is easy to say we want a simple form of administration, but the plain fact is that if we want increased services the country will have to pay for them. The hon. Member for Aberdare made a protest in a somewhat different form, and he has been answered.

Turning now to the remaining points made in the debate, the hon. Member for Nairobi: South mentioned the inquiry proposed in paragraph seven of the Standing Finance Committee Report, and suggested that the offer of the commercial community to assist should be accepted. Government will consider the appointment of a small advisory committee to



[Mr. Surridge] examine the replies of heads of departments, and if the commercial community will submit names we will go into the question further. In reply to the question of the hon. Member for the Coast about Colonel Grogan and the Moyne despatch, in fairness to Colonel Grogan I may say he spoke in very scathing terms about the despatch on 28th November, 1941.

MR. COOKE: On a point of explanation, if the hon. member reads it again he only repudiated certain parts; he did not specifically state that he repudiated putting money aside for war purposes.

MR. SURRIDGE: The next point is the hon. member Mr. Shamsud-Deen has raised the question of publication. I think it was, under the Information Office vote. The position is that the publication, distribution, and despatch section is not part of the old European section. When those departmental services are essential, and if provision is not made we, the departments, particularly the Secretariat, will have to undertake the work. He also asked whether Government would keep the Indian section going for six months at least as it was doing such extraordinarily good work. The hon. Indian members have consistently opposed the Indian section throughout the war years! (Laughter.) Now it is going to be abolished apparently the hon. member Mr. Shamsud-Deen does not like it. I am informed that the Information Officer did consult unofficial Indian opinion on the subject before putting up his proposals, and the hon. member Mr. Thakore was present at the Standing Finance Committee at the time "it was under discussion" and did not raise a protest. The hon. Member for Nairobi North mentioned the question of the appointment of an advisory committee to help the Information Officer. Well, an advisory committee has been functioning, or should have been, for some time but I believe it has been rather moribund for the last two or three years. We will certainly reconsider the matter in the light of his suggestion.

MR. VASEY: On a point of explanation, I asked for a committee to assist the Chief Native Commissioner.

MR. SURRIDGE: Well, I hope it lasts longer than the other one!

The hon. member Mr. Patel raised the question of the salaries of Indian teachers. The hon. Acting Director of Education asked me two or three days ago to go into it with the hon. Acting Financial Secretary. I am very sorry that we have had no time to do it, but we will as soon as we can. The hon. Member for Trans Nzoia suggested a commission of inquiry into the Taveta and Ziwayi schemes. The hon. member's suggestion will be borne in mind when the Standing Finance Committee submit their report. I should like to congratulate the hon. member Mr. Odede on his maiden speech—it was, if I may say so, a very useful contribution to the debate.

Finally, one point regarding committees. When I came to Kenya I was informed that Kenya was committee-ridden. May I just let hon. members know the committees that we shall be appointing within the next six months: First of all, the police committee, which we all admit is urgent and we shall do our best to appoint it as soon as possible; secondly, the education committee; thirdly, the medical committee; fourthly, the committee to go into the work of the Civil Service; fifthly, the appointment of an Assan Civil Service Advisory Board on the lines of the European Board; finally, the suggested inquiry into Taveta and Ziwayi. I would remind hon. members that we are extremely short of staff, and it is very difficult to find bodies, official or unofficial, to serve on these committees, but we will do what we can as we regard these committees as of considerable importance.

The question was put and carried by 35 votes to two: Ayes—Messrs. Blunt, Bower, Boyd, Maj. Cavendish-Bentick, Messrs. Cooke, Donovan, Emerson, Hunter, Major Joyce, Major Keyser, Mr. Lindsay, Dr. MacLennan, Mr. Marchant, Mr. Mathu, Sheikh Mbarak All Hinawy, Messrs. Mortimer, Mundy, Nicol, Northrop, Odede, Patel, Pritam, Dr. Rana, Sir R. E. Robins, Mr. Robbins, Mr. Shamsud-Deen, Messrs. Surridge, Foster Sutton, Thakore, Tomkinson, Trench, Vasey, Sir Alfred Vincent, Mrs. Watkins, Mr. Willbourn, 35; Noes—Mr. Coudrey, Mr. Wright, 2.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 11th January, 1946.

Friday, 11th January, 1946

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 11th January, 1946. 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 10th January, 1946, were confirmed.

#### PAPERS LAID

The following paper was laid on the table by Mr. Foster Sutton:—  
Select Committee Report on the Fatal Accidents Bill.

#### ORAL ANSWERS TO QUESTIONS No. 152—ASIAN ARMY RELEASES

MR. PRITAM:

1. As release of Asian civilian clerks from military service is about to begin, if not already begun, will Government please state if it is now in a position to make a categorical and unequivocal pronouncement in respect of the rights and privileges, etc., to which the Asian civilian clerical personnel of the Army is entitled?

2. Having regard to the fact that the majority of the Asian civilian clerks have already served well over five years' will Government, while engaging new clerks, please give sympathetic consideration to the claims of these clerks to new appointments that may be made in the near future?

MR. SURRIDGE: The rights and privileges to which civilian Assan clerks in the employment of the Army are entitled are defined in a recent General Routine Order, which may be examined by the hon. member at either the Secretariat or the office of the Director of Man Power.

The answer to the second part of the question is in the affirmative.

#### NATIVE POLICY

MRS. WATKINS: Your Excellency, I beg to move: That, in the opinion of this Council, Government should formulate and declare a comprehensive and co-ordinated native policy in the immediate future.

In having the temerity to bring before you and this Council this, one of the biggest questions of our times, I should like to preface it with a few words of explanation. Recently, Government has laid on the table its policy in Sessional Paper No. 8 on land utilization and settlement, and because of this Paper, as well as for other reasons, there are a number of members on the other side of Council—and no doubt Your Excellency yourself and perhaps members on this side—who will consider this motion redundant, but the more I study this land policy, and even taking in conjunction with it the report on Kikuyu land by Mr. Humphrey and Mr. Lamberti, and also the Hopkins' survey of land utilization further afield, the more I study those papers the more I see they do not cover the ground that this motion should and must cover. I am not trying to be unreasonable when I say "immediate future"; I am told that it was definition. My idea is within a year or so, I know that we cannot just walk out of the hall and have the thing done, but we do not want too much delay.

Various members have been asking me to keep my speech short. In fact, to such depths do we descend on this side of Council that one member has had two cows dispatched to me this morning, and there they are at the station kicking their heels in the dust! It is a lure to get me to speak briefly, but I am afraid I cannot dispose of this urgent matter even to clear my cows an hour earlier!

Sessional Paper No. 8 dealt with the proper utilization of the land by all races. I want primarily to consider the African himself, his attitude towards Government, and also Government's attitude towards him, and the attitude of the man on the farm and the man in the street towards the African too. These matters are very often forgotten in our planning and budgeting. As you know, planning has been brewing for some time, and there are also things which should be said publicly and plainly which should be often shy away from saying, and people often try to face the issue to-day. Our permanent pre-war habit of ignoring an inconvenient problem, and hoping that time alone will bring a solution, never did bring a solution, and very often it did bring a solution, and very often it aggravates the problem to catastrophic

[Mrs. Watkins] proportions; at first it was too little to pay attention to and then it was too much to tackle. So I was very glad indeed to see that the land policy which you have laid on the table is stressed as having urgency and cannot be left to be tackled by time alone. Quite literally, it is the problem of the ground under our feet, the soil of Eastern Africa, but the most important factor in connexion with that soil is the African himself. What is in his mind? That is what matters, for the thoughts and ambitions of to-day are the deeds and achievements of tomorrow.

The attitude of Government towards the African, I think, has been in the past and still is in a way one of slow evolution scarcely distinguishable from *laissez-faire*. I do not for a moment intend to convey that Government are not planning and building up large departments on his behalf; it would be absurd to deny that when we look at the enormous budget of ours. Yet I think that when it comes to dealing with the African himself there is often a full stop. The economic force which carries so much weight at home has not been allowed to pull its full weight here or come into action fully yet. The attitude of the man in the street towards the African is one of intense respect and admiration for our *askaris*, the men who followed their British officers into that battle for freedom as we so very well know. But, as regards the African in the reserve, I must admit that that attitude can best be described as one of benevolent irritation. We Europeans feel that we are bringing the African so much, and he does not want it; we feel we could help him to improve his agriculture, yet he believes we are cheating him of his cattle; we know of no country in the world where every man is by birth-right a landowner, yet he wishes to push that to the ultimate and bitter conclusion until there is no land left fit for anybody to use; we know that the women of any race should be discouraged from doing heavy work, particularly during the time of child-bearing and rearing, yet we see the heaviest loads imposed on the African woman and the most grinding drudgery left to her, year in and year out, lest we interfere with the African's freedom to impose them upon her.

The African lands, his customs, his racial immaturity, are all linked together into one great problem: What does he want and what is he thinking. They are two separate questions. I think it is safe to assume that he desires what we all desire in the words of the Atlantic charter—freedom from fear and want, a modicum of security, and perhaps I may add just that something extra that makes life worth living for each one of us. But he has less experience than we have now to set about it, and we cannot expect him to be where we have arrived after a thousand years of slow civilization. What is he thinking as he proceeds willy-nilly into this new world where everybody has more than one set of clothes, where most people eat three meals a day, where we move on wheels in preference to our own feet, and where we do away with quite a lot of the drudgery of life with the magic of the water tap and electrical switch. What is he thinking? I think he feels that he would like to find his own niche in the world—

**HIS EXCELLENCY:** Will it be possible for the hon. member to address her remarks more this way, when it might be easier for the reporters to take them down as accurately as I know she would like?

**MRS. WATKINS:** I am sorry.

I feel that he would like to find his own niche in the world, provided he can do it without very much physical effort, perhaps without any effort at all; otherwise he prefers, in fact most of them prefer, to sit under a banana tree contemplating what another member has called his perambulating currency which in due time by its progeny will have produced the purchase price of a wife, or yet another wife who is by native custom the slave of the land. But what the African does not realize is that he has not his choice. That world with which he is so familiar and which he still regards as a possibly happier alternative to working out a new salvation for himself and his tribe, is fast disappearing. The impact of civilization is here. There is no question as to whether the civilization of Eastern Africa is a good thing in African eyes or not; it is here, and the sooner the African is absorbed into it the better for himself and for us. So there he stands—the African of the reserve on the shores

[Mrs. Watkins] of the dim ages, and here are we high and dry in the 20th century, ourselves and the African, too certainly into an atomic looking not too certainly into, as to the future, and the question now is, how to get the African, most of them, across this great misapprehension, apathy and mistrust to where we now stand. That it is we who have got to achieve that is an undoubted fact, I think, for if he is left to the slow evolution of the thousand years it has taken us he will be choked out of existence by the pressure of civilization before the century is out.

That is the position as I view it, and now I will keep my speech to separate headings, eight of them, and the first must be study.

We cannot build on foundations we do not know with materials we have not handled, and therefore research, study and figures are essential. One of the first items to augment the information already in the possession of the Chief Native Commissioner is, of course, a modern general census. I am sure that a population survey would be more popular with the Africans. Whether it is possible to do it under a population survey is not for me to say, but I do know we have at hand at the moment a man named Kuczynski, who is a great expert on this work of census, and he is now adviser to the Colonial Office. I do suggest that with his help we should be able to get this important matter put through. Somehow, I have gathered that a population survey or census is not credited in the minds of the Administration or, indeed, of the Chief Native Commissioner himself, with that sense of urgency created by other items connected with the natives reserves, yet I submit it is second to none. One of our eminent doctors said the other day that the lack of vital statistics injures judgment and vitiates effort. I have no hesitation in saying that statistics based on guesses hopelessly called estimates, by which everybody arrives at different results and works on a different basis, are more confusing than no figures at all. I am also assured by professional men who know considerably more than I do about it, that now is the time to start that population survey in this dry weather. We have at present with us a senior statistician about to retire. Perhaps it would be possible to retain his services for a year or 18 months and

as soon as possible bring out from England a new senior man for this purpose. I am also assured that it would be possible to make a start with officers from the army working under the general direction of Mr. Kuczynski and our statistician and of the Administration.

That is my first constructive suggestion, that our present statistician be asked to contact the G.O.C. and find out from him how soon and with what men a start can be made. That is my first suggestion. Statistics of births and deaths, distribution on land and in service, should all continue concurrently, and that excellent report of Mr. Lambert on the Kikuyu reserves should be extended to other reserves. Information as to possible absorption into agriculture and industry and the possibility of industries within the reserves, all come within that survey, and there again we have men in this country with a mass of information about industries, which they say can be started, and others they would like to see started but cannot until we have much more research, and probably there is other research which I in my ignorance have not mentioned; geological, for instance. But the first thing is to have the modern general census as soon as possible. If the African feels that we are doing him an injustice, we should tell him that every country and every developed colony has a census and we are only coming into line with the rest of the British Empire.

My second heading is education. I do not mean merely primary schooling or not mean secondary, nor do I mean technical education means bringing to the young the essential values of life to make him happier homes and better citizens or, in other words, to implant an ideal in the minds of the young. How strong such an ideal can be, even if it is a wrong one, to alter a people and change the course of events has been proved conclusively over the last years by Germany and Japan, and I believe education in a wider sense is not only the best way but I think it is the only real alternative to a slow evolution over a thousand years or so. I should like to say at once that we want to see education extended gradually to the African, but we do not—repeat not—want to bring him that great gift in such a way as to produce merely a body of clerks (and a very discontented body at

[Mrs. Watkins] that), for only a very small proportion of the huge native population can hope to earn a living satisfactorily to himself in that line.

The White Paper, No. 186, on education presupposes an African leadership that is not yet existent, and as such leadership is essential for the African if he is going to progress, the capacity of the few must at once be trained and increased before the standard for the many can be raised, and we must begin with the education of the women. African men cannot assume responsibilities for their own race unless they are backed up by intelligent and educated wives, and there is a quotation which I think is useful: "The European, consciously or unconsciously, for better or for worse, is the educator". Another quotation is "The lag in African female education may indeed be due to the fact that so small a number of European women were able to take part in African affairs in the early days". When we recognize that, I think we must accept it as axiomatic that the African women's education is of paramount importance. I should like to say that the Education Department have made a flying start, if mixed you can call it flying, after decades of spasmodic efforts and microscopic results in women's education. Now, however, they have defined their aims, and stated that woman is the stabilizing factor of society. How right they are! They have further stated that education comprises all organized efforts to influence women and girls of which scholastic institutions are only one kind.

The superintendent of women's education believes that education should give sufficient impetus not only to develop personal ambition but to develop public service, and to that end factual training must therefore be related to ideas, and ideas must be translated into practical possibilities, and for that reason the character of the educationalist is indeed of supreme importance. Putting these ideas of hers into action with commendable rapidity, because she has been in the country for only just over two years, she has started on schools which are the foundation of her vision of the future, with one curious thing about them. She wants cheap buildings, very cheap buildings, with the minimum of overheads,

yet a wide training. Earlier this year I had possibly the impertinence to go to her with a draft of what I thought would be a good idea of a good line for African girls schools and that would be popular with them. She laughed and said: "You are behind the times, we have started on this line already". I was glad to hear that I was behind the times.

The chief lack, of course, is African women teachers, and schools for them are now being started. Three are visualized: at the present there is one. Emphasis is laid on home crafts, the teaching of small children and health care, and the women in those schools will be taught to do their own budgeting and house work and cooking in addition to their school practice. The care of the ground round the school is under the advice of an agricultural officer, so that food costs as little as possible and the women will learn the proper care of the land too. One other interesting thing about the schools is going to be the nursing sister in charge of a dispensary, and pupils will help with the out-patient work. These cheap buildings are a circle of rondavels round the classrooms. The girls will live in them in charge of a house mother. Three such schools are visualized, with one European matron or superintendent in charge and one teacher, and a circulating staff of three specialists. I do sincerely hope that those schools will not be transmuted by some ambitious person into great dormitories and classrooms in a way with which we are so familiar. We want to keep them in line with what the African expects in his own reserves and teach her on those lines.

It is a great conception bravely begun, and it would be a penny wise and thousands of pounds foolish to suppress it financially or in any other way. There is one thing, I think, which would help to keep it on an even keel, and that is, yes, an increase in the budget expenditure by putting a Director of Women's Education on to this Council so that she could fight there her own battles, and when we remember that quotation that the lag in women's education was due to the lack of participation by European women in African affairs I think you would make up lost time if you put the protagonist of the first really sound and economic scheme for women's education we have had on this Council, and let

[Mrs. Watkins] be fight its battles through and tell us when and where she wants support. That is my first constructive suggestion on education.

Dealing with boys' and men's education, which is only second in importance to women's, I should like to say that it is far more complicated. With women, at least, we start from scratch, from nothing, with the men you have to start to eradicate a very deep-seated opinion that education is the road to clerical occupation, the door through which one escapes all manual and physical effort. In a chapter in Mr. Lambert's report from which I will quote, he says: "More and more of a travesty of our western education is becoming his, the Kikuyu's, ideal of education. All that seems to matter is whether education will lead quickly to a well paid post. A cramming commercial college would perhaps be perfection in his eyes . . . unless we help him through this stage and open his eyes to the age old truths we shall have left helplessly and irretrievably". Certainly it is not only among the Kikuyu, but there is a very general impression all over the country that those who can read and write can only do clerical work. So you have another vicious circle: the more education you give them, the more clerical workers are produced and fewer workers in agriculture and industry, and it is on agriculture and industry that we live and export and not on files and stationery.

I have had the experience common to many of us of dropping in on an African school and having a chat with the children and asking them what they will do at the end of their schooling. If the answers are not ready and they are shy, I sometimes suggest one or more of the skilled agricultural posts, and the remark always drops into a pool of silence created by the teacher and children alike, rather as if some *enfant terrible* had made a somewhat improper remark which he did not quite appreciate. I think that is a common experience all over the country. How often has a boy from the veterinary station come to me and said he would like a job at Sh. 45, and I say all right. He is a Kikuyu, and I will begin with a list of four things: he will not do; he will not milk, he will not cut grass, he will not muck out the stable, and he

will not look after cows. The literate and highly skilled stockmen of England would I think raise their eyebrows.

I am going into this in some detail, because it is necessary for the country to realize how wrong the results of our education have been. Somehow for men's education we have gone off the rails, and somehow we have got to get back. I would refer to Major Orde Brown's report, in which he says that educational policy must be on a wider and more realistic foundation, and he goes on to say: "Conversation with groups of better educated Africans will elicit warm approval for the general extension of agricultural instruction, but each individual father will be found to consider this desirable for other people's children, his own son being destined for a clerkship. I was impressed by the difference between this state of affairs and that which some years ago I found existing in the neighbouring French Colonies, in where a talk to the children in an elementary school showed that almost all looked forward to agriculture as their future, the aspirant to clerical or teaching work being rare". And again: "An improvement in the situation might be effected by a greater degree of collaboration by the educational authorities on the one side and the other: those Government employers on the other; those principal departments which require a considerable labour force; together with the principal private employers, might be consulted about the vacancies which they are likely to have during the next few years; these could be represented to the children as definite possibilities at which to aim. Some such system would introduce an element of reality and a practical outlook which seems to be lacking at present."

"His EXCELLENCY: From what report is the hon. member quoting?"

Mrs. WATKINS: From Major Orde Brown's "Labour Conditions in West Africa", which he asked me to obtain and read, as conditions there were very similar to those here. I saw him the last time he was here.

I wish to make one point clear. I am not advocating, at this moment even the primary schooling enforced for the majority of African children, but I do want to point out one very wasteful thing

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in our school at the present moment. As I go round the country it seems to me that African children go into school as when they please. They can leave if a parental call comes or when discipline displeases, and they can leave long before they finish their course. When we have so few schools in this country, the entry of an African child into one of the privileged positions in those schools should be a serious and definite undertaking made not only by the parent but in front of the headman and chief, and there should be then compulsion on that child to stay the course. That compulsion should be only for a year or two less than on a British child, but with this difference, that for the last 18 months after the schooling he should also be given a Government direction to civic duty. I would not call it "national service", it is too grand a word for what I visualized, but it should be linked in the African child's mind that work follows on schooling, that subsequent to schooling there comes physical work for his own good and the benefit of the country. He could help with construction work in African housing or, shall we say in a veterinary station, or warden in hospitals, in any way that Government sees fit, but living under proper conditions, a communal life of discipline, and learning that most important lesson of all—sustained effort and discipline, discipline being the thing the African youth lacks more than anything in the world to-day, discipline and sustained effort—being the one privilege and training that every civilized parent seeks to give his child.

I am told that any form of compulsion on an African, even an adolescent, and for a lesser period of time than on a British youngster, will not be vouchsafed or granted by the home Government. I believe that statement is made under a complete misapprehension. Very often the home Government is held up to us as a bugbear when there is something inconvenient or complicated to be introduced. Highly placed officials have certainly warned me that if I asked for compulsion on any African for any purpose whatever I shall be a voice crying in the wilderness. I remember the other voices that have cried in the wilderness before, and I cannot say that I am discouraged. The greatest Voice of all times

cried from a wilderness, and ever since then, for 2,000 years, there have been other voices, and most have cried cease. If such a voice does not penetrate our consciences very quickly we cannot always blame the voice. When it does penetrate sometimes the voice is remembered when the tongues of expediency have faded into oblivion. So I state brazenly and again and again, that having a black skin should not mean that you are free from all compulsion because the home Government or anyone else does not wish it.

The question really is, are we or are we not going to make education an instrument of welfare for the good of the whole of the people, or are we making it something we hope the individual will survive like a serious operation? Are we making it part of the foundation of success, or will it be something in spite of which we may succeed? I believe that, if we want to make it part of the foundation of success, it has got to be linked up in his mind definitely and conclusively that schooling and clerical training are always linked with physical effort. I believe it is fundamental, and because we have evaded the issue for so long education is producing clerks and clerical workers only. The education we bring the African must be based on the Christian religion, civic responsibility, and sustained effort, and you can teach none of that without compulsion.

Literature, and of course propaganda, form another part of what you may call post-school or adult education, education we all go through in our everyday lives when we read books, papers, and so on. I am very glad to see that Government has now begun to take an interest in it, and would make as a constructive suggestion that there should be reading material not specially written for the African but culled from the papers of the world, a kind of news digest brought out once or twice a month, for the African. He should feel it is not written specially for him, but is literature thrown open to him in the only way we know, the scrap book of the world's reviews, and I believe there should be in it the current literature of the world, for instance about the Tennessee Valley and those things. The first editor of *Baraza* had it in his mind before he unfortunately died. We are so shy about the uses

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that we very often put of propaganda that we very often put of thing across quite wrong. We are too modest about it. The other day two *askaris* came out of the front. They had seen but not been to the pictures. One said to the other: "That was *nzuri* bwan, wasn't it? It is good to know too". I think the *askaris* in this war too". I think the *askaris* are so impressed with our gratitude to them as fighting men (which I for one as a non-combatant certainly owe them) that they have not the ghost of a notion of the debt of gratitude they owe to the British, to men like Winston Churchill, or the Army or Navy or the pilots of the battle of Britain, but feel they had come in and saved us from the enemy. That they helped to save their own homes, that their fate would have been worse than ours, was not made known to them. Not one man of all those I have talked to during the day on the farm or elsewhere, perhaps in over a hundred people, realized that they owned any debt at all to the British in this war. That is what I mean by propaganda going wrong because we are too modest. It is a good fault, but sometimes leads to a lot of mischief.

My third heading is training. Opportunities for training Africans to their own economic advantage as well as to the benefit of the country as a whole should be made available, ultimately for every African to have his chance. But I think that as where survey comes in and co-ordination, for it is not easy to train a man without an idea of the number that can be absorbed into any one thing. It is no use training 1,000 clerks if we can only absorb 500; it is no use having 500 clerks more than we can use. That is where co-ordination has been working very hard and training has not been related either to the needs of the country or the need of the African himself, and the survey has not been there on which we could give training to that it would cost the Government very little and help enormously if we established trade tests, first, second and third class carrying corresponding pay. The agricultural certificates of proficiency would, I know, be very much welcomed among the farmers. One kind of training which I think the

Education Department would be willing to give is the training of welfare workers. We feel tremendously that although it is service that the African would render through the enabling European pay, it is a service that the African should render to the African. It would enable municipalities—the Railway has them already—and companies—and even people like myself to have a welfare worker seeing that things were right and comfortable, and in the towns there should be such welfare workers among the women and children. I think that particular training should very definitely be made available.

My fourth heading is the use of the land, and that is where there is a possible overlap with Sessional Paper No. 8. We have not seen in that paper—at least I have not, and I have studied it closely—a very clear definition setting out what the goal is or how Government hopes to reach it. It is essential that we should not try to do things with the land without setting before us our definite aim, nor do I see that very big problem, land tenure, mentioned anywhere. And that will have to come into it. But before that paper was laid, we knew that Sir Philip Mitchell was at work on the reserves, and this was appreciated very much. We heard also his trenchant remarks to the Wakamba, Kavirondo, and I think referred to the yourself, I think referred to the Humphrey-Lambert report as a factual report. I think that is, perhaps, your customary—understatement—I should prefer to call it brilliant. Factual, but prefer to call it in the best sense of the imaginative and referring even to the deeper word and referring even to the deeper word and spiritual needs of the people. The Hopkins report on "Conservation of Land Utilization" is another able suggestion, more particularly in his suggestions for the lifting of that population that has become surplus to the land off the land. He has four or five suggestions towards which seem to me to be halfway towards our solution; though I do not know how he is going to implement the first. He wants to restrict rural occupations to those who have a real aptitude for farming—I can only say "Hear, hear", but how shall we do it? excellent though it may be. His next is the establishment of African townships with industries of African villages close to European town-

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ships, the people living near their work in comfortable conditions. The fourth is perhaps the best, the centralized reserve system of Southern Rhodesia, which I will not go into in detail here, but which is easily adaptable. In fact, I think we have a part already, a system which sponsors a system of properly laid out African villages, with balanced farming and shows by model farms here and there what can be done for the land and is thereby a living invitation to the others to come into that system.

Again I say, too little has been said of native land tenure, and I do not know how that will cut across the whole thing. I do not know which of the Hopkins' recommendations are going to be accepted by Government, but I know that Government hopes to find some extra land for Africans and, quite frankly, we do not know nearly enough about your plans for that land, we do not know enough what you are going to do with it. I believe that we elected members on this side of Council are Government's partners in this, and I do not think that partnership is being very readily admitted. We have a horrid suspicion that we have not been told the detailed plans for the rehabilitation of the old lands, and even for your new lands no detailed plans have been given us, and that is because there is none. We know Government has in mind the moving of people off eroded land on to new, but how are you going to manage the new, how are you going to rehabilitate the old, and how are you going to prevent the people who are on the new land trickling back in a steady dribble into the old lands and making confusion worse confounded? We have not been told anything of that. Will orders go forth as they did last year for certain men to do certain work, anti-erosion work in the reserves, and will the same answer be accepted, flat refusal on the part of those men, and the Administration issuing a second order? With what result? The men did not do it but turned the women out for work far too heavy for them to do, and Government accepted that it did not matter who did it as long as the work was done. Is that the way to govern? Is Government here to lead the African into the way of freedom and responsibility, or to allow the

men to impose a heavier burden on the women than native custom has already imposed? If the men do not do the work there are always the women—and the donkeys.

**HIS EXCELLENCY:** Perhaps if the hon. member quoted the district in which this happened it would help Government to reply?

**MRS. WATKINS:** Would you like it stated publicly?

**HIS EXCELLENCY:** Yes, the district.

**MRS. WATKINS:** The Kikuyu reserve.

Mr. Lambert and Mr. Wyn Harris in their report say: "Education and the widening of horizons are lengthy processes, and there are certain aspects with regard to the present situation of land control that are too urgent to admit of indefinite delay. This is unfortunate, for we may have to act without the backing of indigenous control, that is in opposition to the majority opinion of the native public." Mr. Hopkins' survey states: "The experience of other countries goes to show that the enforcement of such conditions (on the land) be they ever so simple, is not practical without adequate European supervision, and if necessary a measure of helpful compulsion as well." We feel rather strongly—I am speaking for my constituency now—that Government is prepared to do anything for the African except to compel individuals to obey necessary orders. The plans for the land and, I think, the penalties that you propose to put on the African for non-compliance with orders, should be put before this Council if, indeed, we are partners in this. Indeed, it seems to me that the question of further acreage for the African is almost irrelevant to the great problem. I think it will postpone the problem, but I do not think we serve our country best by passing our problems on to those now in the schoolroom or the nursery! I believe we should tackle them ourselves.

Leaving for the moment the manner in which such land as has been or may be acquired in the future, further land required to satisfy the African needs can be said to be due to two reasons. One is the misuse of the present reserves, the second is increased population, but in either case a limit must be set to their territorial ambitions. Sooner or later, and

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I think sooner—because I know Your Excellency and Sir Philip Mitchell are very keen on it—they must learn to put their reserves in order, but they must also realize that the majority probably of the population must earn its living in paid employment before very long, so it is better to fix this limit now than to go on taking extra bits of lands, unless for a very short and definite period and a definite plan is laid before us, in which case it might be possible to discuss the matter. I want to say this. As far as I can see, if I can speak for my conferees on this side, we are, and we want to be, co-operative in the fate of the recent land taken for Africans. I believe the first piece, taken from the Teita Concessions, has only been used along the river belt—I do not know if the strip is wide—or do we believe that all the land in East Africa is enough for primitive agriculture to go on with the concurrent right of every man to be a landowner. We do not believe more land is a solution, even if there were no Europeans here at all.

The hon. member Mr. Mathu, in his recent budget speech, or at least so I understood him to say, said that certain Africans were not really caring for their land as they might do because they were not quite certain of their boundaries. I do not know whether he meant that they were ploughing up and down the hillsides by way of making that boundary clear or, if there was less soil on the land, or Europeans were less likely to claim it, or if they were merely working on the general principle that if the land was not belonging to the Kikuyu in perpetuity it did not matter a tinker's curse whether the soil was on the hillside or in the Indian Ocean. That attitude, of course, does not make it easy to loan land temporarily. But, having heard how they felt about boundaries, I was indeed surprised to hear him happily suggest that certain slices of the White Highlands would be welcome additions to the Kikuyu reserve! Perhaps I might remind the hon. member, in all good temper, that a boundary, like many other things in life, has two sides to it, and what is sauce for the goose is sauce for the gander. In this case, perhaps I am the goose!

We have also heard from the hon. member Mr. Mathu that every African is really concerned with the rehabilitation and conservation of his land. I should like to put that a little differently. I would say that every African is concerned with it provided he does not have to do the spade work himself; possibly a land army, consisting of a tribe which does not mind agricultural work, or there are always the women—and the donkeys! But the men do not show much real intention of doing it without a great deal more pressure than is at present given.

There is one other point here. It should be possible to lift from the land quite a number of people without lifting them bodily from their reserves, that is putting them in village and town industries and so forth. But I would make one point clear, although I do not know how Government will do it. It is no use doing any of these things unless those Africans earning over a certain minimum wage in industry or agriculture are sufficient to maintain their families do so support them and do not draw their food from the subsistence agriculture within the reserves. We hear that Government, for instance, has it in mind to lay down a largely increased minimum wage for agricultural labourers, and when the army comes back and are keen and fit and used to work it may be an economic possibility so to increase the wage, but it will not help the land unless you take the earnings of those workers who are dependant of those wages too, to be earning that wage off the land, too, supported by the wage earners' money, just as all the men here are supporting their families.

Mr. Lambert in his report said it would be very revealing if a census could disclose how many men were really earning such wages and how few really kept their families. I live, as you know, on the Litany road, and I see day after day literally hundreds of Kikuyu after day literally hundreds of Kikuyu bicycling down that road. They are all earning Nairobi pay with a reserve existence. I know that reserve well—existence. I was called out in their years ago I was called out in their emergencies and sickness, and for 14 years we had our farm hospital of three years ago, so that I know those of little wonder, so that I know those of whom I speak. To-day that part of the reserve is full of money. I do not know of any additional comfort for the women and children from that extra money in

(Mrs. Watkins) the reserves. The old mother or the wife has not only to keep the family and herself, but to supply enough food for the wage earner. How often have we kept sticky children going on cod-liver oil only to find the father, with a Nairobi wage, living in the reserve, was also selling the family milk to Nairobi? Unless we can make some arrangement that the African shall keep his family, a rise in wages is irrelevant. That wage is retained in the wage earner's pocket to invest in taxis, eating houses, and buying more land from the poorer people in the reserve. I must admit that we have been rather frightened that Government will bring in the minimum wage without doing anything to have the family supported on it, so that even industries started will not be much help. That, again, is a point for co-ordination. Wages are irrelevant to the problem of the land, unless they lift a man's dependants off it too.

I was very sorry indeed to hear that the hon. Member for Agriculture had dissociated himself of responsibility for African man power and for African agriculture, because it is just in these matters that we in Kiambu think that some new blood is needed. These departments of Administration and Agriculture have, I readily admit, worked like beavers, but if they had worked with vision and with firmness over the past years I do not think this reconstruction work would take up so much time now, so that I hope the hon. Member for Agriculture will see his way to get some improvement there without, perhaps, himself assuming responsibility.

There is one point I want to make in reply to one I heard the hon. Chief Native Commissioner make the other day. That is, that a great many native families are without an adult man in their family and therefore cannot earn a living. I understood him to say, except in this subsistence agriculture. I would like to suggest that in every little village surrounding an industry there should be a women's industry started. For instance, the clothing industry, men's shirts and women and children's garments, has been almost entirely usurped by hefty young lads with sewing machines sitting on verandas throughout the reserves, and if that were now taken up as a women's industry they would be better off and

better fed. I believe that when the African asks, and I have talked to many, come back they will readily settle in one of these villages if it is easy for their wives as well as themselves to obtain part or whole time employment, instead of being dependent on subsistence agriculture. So that in centres one industry should be included for women. There are a good many which could be started as tiny units—machine knitting, sewing, and so on.

The other point about land, and the last, is that when the army men come back will be the time to put amenities on the land. We must have them. Your Excellency, and also Sir Philip Mitchell, recognizes the need, and I do think that now is the time to get these started, the clubs and the picture houses, and all the other amenities of life for the villages, because something has got to be done to put agriculture on a pleasanter basis, and I think the army men will demand it. A curious factor is that whatever sincere efforts are made or with whatever energy a club or welfare centre for Africans is started, it lapses as soon as European supervision is taken away. I think that is where the army men will be able to help us, to place on a better and more lasting basis for the African the amenities in the countryside.

My fifth heading is economic force, or economic law. It is the most difficult, most controversial, and certainly not the least important. In all countries the economic law works on each one of us, sometimes unjustly, but generally beneficially, in that it makes us work, especially in our younger years when we want to kick up our heels and have a good time. There is forced on us the need to train for our living, and thereby we are rendered steeper and better citizens. That does not exist out here, partly from Africa's two-fold seasons, partly from European protection, and partly from the African apathy to sordid conditions, for the African has no real urge to work. That fact I want to look squarely in the face to-day, for it is one of these little problems that time alone will not solve. Government has by many means of its actions, and by such snippets of policy as from time to time become apparent, prevented that economic force from working out here, or at least I should more accurately say, working

(Mrs. Watkins) under normal circumstances, and at a rate to allow visible progress being made.

Take Machakos. We have a reserve over-stocked, over-populated, with no chance of rehabilitation unless people are lifted from the land, more food required in the immediate present, more land required in the immediate future. Government thinks more land may be available. So it may, but never enough when an advanced European civilization has stepped in and with all its science has stopped famine, curtailed epidemics, and stamped out tribal warfare. Then there can never be enough land for primitive agriculture to continue. On the other side we have in this small country of ours the harvest falling to the ground for lack of labour. The normal way to provide food in the immediate present would have been to take individuals, families or groups of villagers and place them wherever you could find employment for them under good conditions: to search for and insist upon good conditions; to consider some scheme for better housing of native agricultural employees, and so lift the standard of people. There would be no idea of being bound to one employer, but free to move around the district, as free as the English labourer is free. Instead, sub-economic food is being supplied at the cost of the general taxpayer, and instead of concentrating on finding such employment and encouraging good conditions and pay, and better housing for these employees, the search for more land continues like a kind of Naboth's vineyard, which land may not be suitable for small agriculture or may take thousands of pounds and many years to render suitable.

That search for more land, and sub-economic food supply, sums up to me the attitude of Government towards the African policy and is a deliberate lifting of the economic force which has acted on each one of us in this room and will continue so to act to our graves. If we consider the incontrovertible fact that all African progress, all schools, all hospitals, all roads, everything for the African, depends on finance, then surely the African by being treated in this way is being as much, if not more, harmed even than the British farmer or the British farmer's exports. I believe the

African must be encouraged to work, to work with his hands, for himself, for the Government, and even for that pernicious thing called private enterprise, because as far as I can see in many years—and I am not so young as I was—private enterprise under our flag is the only thing which creates the wealth that pays the taxes, yet harvests here fall to the ground for lack of labour.

On the subject of labour I have been warned that it is not tactful to bring labour into African policy.

HIS EXCELLENCY: I do not want to interrupt the hon. member, but is this a new heading?

MRS. WATKINS: It has just begun. I should like to break off.

HIS EXCELLENCY: Are you still on the same heading?

MRS. WATKINS: Economic force.

HIS EXCELLENCY: If you will continue until that is finished, I think Council might then adjourn for the usual interval.

MRS. WATKINS: Your Excellency, first I should like to welcome the new set-up of the Labour Department, though for purely budgetary reasons. I do rather regret the additional titles and the corresponding salary increases, but I do admit that the department was in desperate need of reorganization. The question now is, will this increase in the budget increase the labour for the essential work of this country, or will it further decrease it. And will it be a virtue, policy? Will the labour officers go out among the labour and render its contentment greater than it is at present? Up to now, if I may say so, that department has been a very negative one as far as the employers are concerned. It has brought out a fat booklet of rules, and is rather inclined to believe that that *magnum opus* is its raison d'être. I have quite a different idea of what that Labour Department should do, and those ideas are derived from one who knew more about the labour of this country than anyone in his time.

I believe that the labour officers here should have four months' local training before starting their job; they should go to the N.L.T.D. on some place like that and should absorb facts and figures about the buildings and materials possible

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to use for African housing, the siting of latrines and all that part of the business, so that they may have some practical knowledge, some advice to give the farmers. Then they should go round the country and see the very excellent central kitchens and other institutions which have been formed by different companies, including eating houses in the townships, so that they may know a little about the difficulties and diets and the costings and the personnel and how it can be arranged. Then I think they should have a final month on farms—names taken out of a hat—or industries—also names taken out of a hat—and ask themselves as they see problems from the inside "And what is the answer to that one?" I can assure Your Excellency that labour officers who have had that kind of training and who can come and talk our problems over with us will be most welcome. So many of us hesitate to bring in a new scheme or try a new experiment because we cannot know what is happening in other parts of the country. We believe that if someone like that could come round and talk to us he could help us to solve very many of our problems.

May I break off now, Your Excellency? It is a long heading.

*Council adjourned for the usual interval.*

*Council resumed.*

The Labour Department. I was just saying that we wanted a rather more virile outlook and rather more intensive action on the part of the labour officers. I believe that the gifts that are necessary for that are patience, a liking for one's fellow man, practical knowledge, and a good ear, and not so much filing systems and the best issue of forms and so on. Nor do I believe that we should deviate from the obvious task that lies ahead of us of employing more and more Africans outside the native reserves by the criticism that is heaped upon us from overseas. I think the criticism of our friends overseas who know our ground-work is likely to be constructive and helpful, but we get misrepresentation piled upon us, especially under this heading of labour, and you will find the reasons for that almost tabulated in the

volumes of the Poor Law in Britain in the 80's and 90's. They are not suspicious of us so much because of what has happened in Kenya, because of what happened in Britain itself while the going might be said to be good before unions existed and while the industrial revolution was going on. Those volumes of the Poor Law make grim reading. I have not read them for 25 years, but there are paragraphs which remain in my memory, and even out here the other day we had a reminder of it when we had to invent this idiotic phrase "approved persons" because the word "guardian" savoured too much of unpleasant things.

Britain has advanced by leaps and bounds. Her outlook is the soundest in the world, yet she is apt to forget that we, her youngest colony, are British as she is, and that coming to a new country has not retarded our progress; if anything it has enhanced it and our sense of responsibility. So with a clear conscience, judging only by our own sense of right and wrong, and our training, we surely must and can go forward and teach all the young folk of this Colony, whatever the colour of their skins, that they must work for their own salvation as well as for the good of the country. That we should, for instance, keep whole districts semi-permanently on the dole for a long period of time, as was fore-shadowed from the Government side during the budget speeches, is, I maintain, wrong, and nothing that can be said or argued can make it right, while harvests in other parts of this small country are falling to the ground. I do not call it kindness; I call that weakness, apathy, fear. Sum it all up and call it well-meaning, and then let us forge ahead and see whether the people on your side of Council and ours cannot pull together and put that blot right.

The picture is I think clear cut and should be studied. I heard a very eminent fiscal authority only a few days ago (in fact, I think most elected members did) say that our exports from the Highlands are not worth considering. Of course, the relative value of things varies probably with your income and your outlook, but to my small income and my narrow outlook our exports seem to me pretty valuable. It seems to me the war now being over, or rather hostilities having ceased—I am sorry!—we should

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work during wartime long hours day and night. I inquired what pay was during these men down, and I found that if you worked for four days a week (long hours), for five days a week for only short hours, you could pay for a whole week's expenses. The rates we pay our harvesters compare very favourably with those, and I can only say that we do not show much realization or appreciation of what it is like for our people at home when we do not even take adequate steps to reap our harvest here. In the war Britain faced the possibility of starvation; now she faces the fact of a starving Europe and she tackles the job. Do we? Some of us do. Yet we do not reap the harvests in full, and I suggest something on the Trafalgar Square lines, run by our new set-up of the Labour Department, for temporary harvesters wherever they were needed in the country might be a very helpful activity. I suggest Machakos as a good hunting ground.

Exactly how short are we of agricultural workers? Before the war there were 43,000—those figures I obtained earlier this year—sorry, 47,000 on coffee alone before the war. The last figure I was given is 15,000, so that Kiambu, who would employ rather over half of those for her greater production per acre, is now employing about 8,000 instead of 23,000. That, of course, must affect quality as well as quantity. Then we understand there are 92,000 more Africans in employment than there were in 1939, and that only 22,000 of these are in agriculture—extra in agriculture. When you consider this enormous push there has been in agriculture, one cannot help wondering whether the remaining 72,000 extra employed Africans are really employed in matters more vital to the country than the maintenance of a lay-off supplies and her export. To a lay-off supplies and her export. To a man like myself it would seem that the work which is given by many of the civil departments to Africans, or by the departments, and indeed by private, military, is often more in the nature of playthings, is often more in the nature of occupational therapy than work. I do suggest that the distribution of labour may have to come, for the simple reason that it is so wasteful under the present method to take labour to grow and at the same time we cannot reap the crops. If I knew in advance that there would be no labour to reap my crop I should not

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the place of a name and address and establishes identification.

I want to make a sound suggestion. If it is derogatory for the native to continue with a *kipande*, then I suggest that you put us all on the *kipande*. What does it matter? The hon. Indian members may perhaps think it is derogatory to have a *kipande*, but if Your Excellency had one and the members of this Council followed suit they should have no grouse. The cost would not be enormous: Sh. 1 each to defray expenses, and it would mean that throughout this country you would have identification for every single person, the coast included: white man, Indian, native, Somali, everybody, and you would have everyone's finger prints. There is no need for anyone to consider the taking of his finger prints as derogatory unless there is a likelihood of their being found in duplicate in the prisons.

I was even more shocked by the hon. Chief Native Commissioner's reply that the Red Book might be abolished. I hear that it is now considered to be *ultra vires*. Well, I do not know, but I have considerable faith in the Attorney General, not only in him but in his predecessors, and I do not believe that any Attorney General of this country would have allowed anything *ultra vires* to be put on the statute book and allowed it to remain for so many years. I do believe it is possibly Major. Orde-Brown, or whoever it was, found a snag was searching for the possibility of a technicality, so that it might be deemed *ultra vires*. If it is, I suggest we have a replacement. I would never have dreamed of bringing up the Red Book in this Council because I do not consider it a suitable subject, but I must as it has been brought up and has been inadequately answered. I am going to give this Council, as the only woman present, the real reason for the Red Book, and that real reason was that we had a great many very unpleasant cases, chiefly connected with little white girls and young white women who could not easily protect themselves when an occasional bad African did come into our houses to work. In one particular case in which I was interested, an African who had trespassed in the most appalling way, the most unappealing way, was found, after a few months'

imprisonment, to have taken further employment in another house. It was decided by the Women's League, and that something had got to be done. I do not think it was a bad effort on the part of our Legal Department, or whoever the authority was, to say the Red Book would be issued to every African, and every African who wanted to take up domestic employment could have that Red Book until some offence had been committed. Then and then only would that Red Book be withdrawn. If the Red Book is now *ultra vires* I would suggest that an identification certificate, which I think should be applied for all of us, should be endorsed like your motor car licence is endorsed, if any one of us becomes unsuitable for certain work. I maintain that while every sting ought to be taken out of every regulation possible, and while African pride and self respect must be fostered, ignorant resentment of necessary regulations must be shown to be ignorant, and must not be pandered to by people just as responsible for the safety of the white as they are for the contentment of the black people of this country. And there should be an answer straight from the shoulder when it is contended that the Red Book is unnecessary, not just an evasive reply.

Still under the sub-heading of Labour Department, there is one regulation which I think must be altered, and that is notice before termination of employment. I think that is essential. In Britain it is weekly or monthly and I know, of course, here it can only happen on certain days of the month when it is a completed month. But we heard yesterday the hon. General Manager of the Railways talking horse sense about discipline, saying he could not run the railway without it. Nor can we run our firms or farms without it. We cannot run it when at any moment any boy can come to us and say "I am going to-day". I am not going to give examples because I want to be brief, but it happens all the time. Even Your Excellency would be embarrassed if one morning your Private Secretary intimated that he had finished his work and was leaving that day, having been paid the previous day, especially if that coincided with the decision of the A.D.C. to do the same thing. I think you might find it embarrassing. That, in a minor key, is

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that we are going through on the farms all the time, in the middle of a harvest or any other time; perhaps just when you are going to hospital, for instance, you had milker decide he is going off for good. On the other hand, it is equally unfair that you should give no notice to an old servant. That was very vividly brought before me the other day. An old Luo who worked with John Ainsworth and is now with me, came up with very little coffee in his basket and he said: "I cannot pick much these days. Are you going to sack me?" No, I am not. He has been with us 27 years and is an integral part of our farm. I would not lose him for anything. He has only a hut and Sh. 8 a month whether he works or not and a small *shamba*, and he suddenly saw it might go. Would it be fair if, after 27 years' employment, he was told "Sorry, old man", and gave him only one day's notice? I maintain that notice ought to be increased after 10 years to three months, after 20 years to six months. Omayo is staying with us until he dies, but there may be other Omayos who are not so certain of their future and their old age.

I am often asked this question. "You would not have conscription for private enterprise, would you?" I would not. Conscripted labour is very rarely happy labour, but I would not have sub-economic food issues either, and I would have compulsory property enforced on every African who has had schooling to do some civic work for themselves; and I would have trade tests and proficiency tests insisted, and I would consult as to what security there could be and how provided for these workers coming out of the reserves and staying out of the reserves, and I would insist this is a difficult one and I do not know how it could be done—I would insist that every African who is earning a basic wage, more than so much, should not continue to support his dependants on subsistence agriculture in the reserves. There are, of course, other methods of solving the labour problem. Do we want to have indentured labour? I say no. I am told that what happened in some of the dependencies and colonies is that a well-meaning Government asked the local folk whether they were interested in becoming part of the new way of life and entering employment. The answer

was no. Government accepted that answer, indentured labour was imported from elsewhere, and the natives of the country became slum dwellers or relied on subsistence agriculture. Do we want that? No. Did we want villages placed in the middle of employment? Yes, I think we do.

My sixth heading is Legal, and I am very frightened of this one. I would refer for one moment to our judicial system. The Bishop of Johannesburg said in a published speech what I felt for many years and, groping, could not by myself find the words. He said: "There could be nothing worse for a country's morals than that there should be a suspicion that the judicial system was not working fairly." While there was agreement that there was a fearless administration of justice by the judges, what seemed to be wrong was the application of a system devised for one set of circumstances to one which was totally different. I feel that that applies just as strongly to Kenya, and would put in a plea for a revision of our laws here when you are going over, and consolidating them. I would ask you to bear it in mind, and see if we cannot have something simpler and more comprehensible for the Africans, especially in the cases that usually come before magistrates courts, and in the reserves, because at present our laws are incomprehensible and very often entirely meaningless. I have very often sitting round a camp for hours with laughter over some technicality that got them off in a case, and that is not very good for the dignity of the law.

Before leaving this heading, there is one law I want altered, and soon, because terrible damage is being done by its existence in this country. That is the law of deportation. I understand that there is a law by which no resident in this country can be deported, whatever he does, and that residence is a matter of five years. I stand to be corrected on that. Now we have here, as every single person knows, immigrant receivers, who are not only receiving stolen goods but creating an underworld which will very soon compete with gangsterism in America. Sitting comfortably back in their offices, these immigrant receivers cast their African net into the houses, the host-esses and farms of other citizens and rake in the loot. If the thief is caught it

[Mrs. Watkins] is generally a young African who gets a few months' imprisonment, but for some odd reason I have never been able to fathom the immigrant receiver who created his crime seems to get off with a fine, and that fine is generally worth about a week's profit to the receiver. The temptation to a young African who is offered a whole month's pay for one night's job is tremendous, and so after a bit he ceases honest work. If you consider this matter for a moment you know that mainly these are not African instigated thefts. A thousand false teeth were stolen a month or two ago, nearly the whole supply for a year from America, 800 lb. of quinine, or say 750, and again, 64 bags of parchment coffee from Wispers Farm! These will continue until we get deportation for these things.

Now I am coming to another point. The hon. Attorney General probably has in his mind some insuperable objection to the alteration of the deportation laws. I want to remind him that if a European woman commits certain vile sexual offences she can be deported, whether resident or not. What is sauce for the goose is sauce for the gander surely? Would the hon. Attorney General be allowing her to be deported illegally or is he retaining receivers here illegally? I do not know quite which, but what is sauce for one must be sauce for the other. Let it be the Colonial Office reaction to this law being altered that is in the hon. Attorney General's mind, may I quote the comment by the House of Commons on our crime debate a year ago: "Mr. Turton asked: 'Does not my Rt. Hon. and gallant friend observe that at the Kenya Legislative Council debate it was suggested that sentences were not effective owing to fear of the views of the people of this country, and will he assure the Governor that this house will support all steps that are necessary to stamp out this wave of crime in Kenya?' The Secretary of State for the Colonies answered this: 'I am sure that if anyone is acting in that way, it would be under a complete misapprehension as to the views of this House, which obviously is quite prepared for measures to be taken to stamp out these illegalities.'" It does seem to me that we shall get the necessary support from the House. I have got the quotation here if it is wanted.

My seventh heading is on social services. I have not much to say on this except to make two small points. These services are the result of achievement, not the cause of it, and they must be paid for. The African must realize that all such services have to be paid for, nor is it possible for, say, the educational service for the African to be entirely paid for by the few British farmers and traders of the country. We believe the African is prepared to pay for nearly all of the educational service himself, and this we welcome. We have had to realize ourselves that these things must be paid for, and we would remind our African friends of the same thing. The other point is I very much hope the African Settlement Board, which is doing such excellent work, will get on to the possibility of finding some method of achieving that security for old age or illness for these people outside the reserves who lose their hold in the reserves. I think that is essential. It might be done on a contributory system. I do not know, but I think it can be overcome. In fact, it must be overcome.

Political status. My last heading. This must come last as a result also of achievement and the knowledge that is wider than just schooling, primary or secondary. We must have a background. The hon. member Mr. Odede showed a wide insight yesterday when in a private conversation with myself, which I am going to take the liberty of repeating, he said he regarded this as the finest university we have. I agree with him, and I also said that after all my sex have also only just been admitted to these Councils. I agree with him, and I should like to welcome very sincerely the fact that we have two African members here to-day, and I am sure that if the political status can gradually advance in the way we are doing it, it will be excellent, but it cannot come as a result of clamour and as a result of haste.

The constructive suggestions I have made are these. Under head one, that a census- or population survey should be carried out immediately, that our statistician be retained if necessary for 18 months and should contact the G.O.C. to see if we can get help from the Army—I am quite sure that certain men would like to stay. Under head 2, there should be a woman director of women's

[Mr. Watkins] education with a seat on this Council, that men's education should be more realistic, that compulsion should be placed on those children entering school to remain and finish, that 18 months' civic duty must follow schooling—call it national service if you please, but I think it is too grand a word—more literature, a reader's digest, more careful and less reader's propaganda. Under heading 3, modest technical training, made available but not compulsory. Trade and agricultural tests to come in, and all these things to be related to statistical surveys of the Colony's needs. It is the co-ordination, comprehensive and complete, which is missing so far as the outsider can see. Perhaps it is not, but we think it is. Under the fourth heading detailed plans for the rehabilitation of the land, especially if more land is required. Certain compulsion should be laid on the Africans, and the recommendations of the Hopkins' survey for lifting the rural population that has become surplus to the land might be adopted. The African Settlement Board would do much of this. I am glad we have had it. It is part of I am glad we have had it and well do realize it. Under the fifth heading, one, to move people in groups or villages towards bill employment; two, I suggest a more virile interpretation of the scope of the Labour Department shall be given; three, that we should consider our exports as part of the Government's programme for the maintenance of the wealth and prosperity of this country; four, that methods adopted in Britain towards harvest and other urgent labour required should be adopted here; five, that the *Kipande* be retained; and that if the Red Book really has been illegal all these years its main function should be replaced by something that is legal; six, that notice on either side of termination of employment should be given; seven, I left out in the last heading, legal: revision of certain aspects of the judicial system; deportation of immigrants who are abusing their responsible position in this country; whether or not they have acquired residential qualifications—this to be applicable to men as well as women. Under the seventh heading, social services: Security for old age of workers outside reserves. Political status to come

last, and for gradual application linked with achievement:

Your Excellency, I have spoken for two hours, and I know that it is a major crime; but I am going to ask the indulgence of this Council not for what I have packed in but for what I have left out, whether it be from inadvertence or for the sake of comparative brevity, or for any other reason; and I would say that everything I have wanted and everything I have asked for is I consider essential for the welfare of the Colony and for African progress. On Wispers Farm there is a stone and on that stone are engraved the words "Oscar Watkins, *Rufiki Wanyonyi*". It is in the spirit of all that is implied in those words that I have spoken on African policy to-day.

MR. COOKE: I beg formally to second the motion, reserving the right to speak later in the debate.

The debate was adjourned.

#### SUSPENSION OF STANDING RULES AND ORDERS

With the consent of the President, under Standing Rule and Order No. 108, Mr. Foster Sutton moved that Standing Rules and Orders be suspended to enable the motion for the adoption of the select committee report on the Fatal Accident Bill to be moved.

MR. BROWN seconded.

The question was put and carried. Standing Rules and Orders were suspended.

#### FATAL ACCIDENTS BILL SELECT COMMITTEE REPORT

MR. FOSTER SUTTON: Your Excellency, I beg to move: That the select committee report on the Fatal Accidents Bill be adopted.

The report was only laid on the table of Council this morning. That was due to the fact that we had our last meeting about the bill late yesterday afternoon. The committee considered all the points that were made during the debate on the second reading of the measure. One point which I think I might deal with briefly now was made in that debate by the hon. member Mr. Shamsud-Deen, that the bill should be given retrospective effect. We considered it in some detail, and I contacted members of my profession who are engaged in private

(Mr. Foster Sutton)

practice in this Colony, and finally came to the conclusion that to make it retrospective would raise so many difficulties, or might raise so many, that we should not make that recommendation to this Council. Therefore that recommendation is not included in the report. I will not go into details, but I am personally satisfied that it is impractical.

The first amendment to the bill is to clause 1, which merely alters the date 1945 to 1946. The second amendment recommended is to clause 4 (2) (b), which in the bill reads: "any widows' or orphans' pension or allowance payable under any contributory pension scheme declared by the Governor in Council, by notice published in the Gazette, to be a scheme for the purpose of this paragraph". That was inserted because, if it had been omitted, the court in assessing damages would have taken into consideration any money received by a widow or other dependent under any such scheme. In England it was found necessary to expressly exclude such matters from the computation of damages, and it has been done by statute. So we recommend that (b) be altered to read as follows: "any widows' or orphans' pension or allowance or any sum payable under any contributory pension or other scheme declared by the Governor in Council, by notice published in the Gazette, to be a scheme for the purpose of this paragraph". That amendment is recommended to cover such schemes as provident schemes. It was felt that the original wording would not probably cover moneys payable out of provident schemes, so we suggest the insertion of these words "or any sum payable under any contributory pension or other scheme".

The other amendment is to clause 6. If hon. members will look at the report they will see it involves the splitting up of the clause in the bill and adding a paragraph (b): "if the persons beneficially interested are natives, by a person appointed, in writing, by the Attorney General". That was urged by the Labour Department, and also strongly supported by Archdeacon Beecher. It was felt by the committee that there might be instances of unsophisticated natives who did not know the ropes getting into wrong hands, which might result in their

being defeated of any benefits which might otherwise have accrued to them under the provisions of the bill. It does not exclude a native from bringing his own action under paragraph (a), and if he does not wish to take action under that it can be taken under (b), which is designed to protect the unsophisticated native.

Those are the only amendments recommended.

MR. BROWN seconded.

The question was put and carried.

#### SUSPENSION OF STANDING RULES AND ORDERS

With the consent of the President, under Standing Rule and Order No. 108, Mr. Foster Sutton moved that Standing Rules and Orders be suspended to enable the Military Units (Amendment) Bill to be read a first time.

MR. BROWN seconded.

The question was put and carried. Standing Rules and Orders were suspended.

#### MILITARY UNITS (AMENDMENT) BILL

##### FIRST READING

On motion of Mr. Foster Sutton the Military Units (Amendment) Bill was read a first time, and notice given to take the subsequent readings later in the sitting.

#### HINDU (MARRIAGE, DIVORCE AND SUCCESSION) BILL

##### SECOND READING

MR. FOSTER SUTTON: Your Excellency, I beg to move: That the Hindu (Marriage, Divorce and Succession) Bill be read a second time.

This bill has been agitated for by members of the Hindu community for a very long period. I propose, subject to the will of this Council, that the bill be referred to a select committee, as it involves a number of difficult questions of Hindu law and custom, and I think that if the measure is to be effective and to make appropriate provision that object can only be achieved if we have the benefit of the opinion of persons outside as well as members of this Council. I have asked the hon. member Mr. Patel

(Mr. Foster Sutton)

to second this motion, and he has agreed to do so, and I am leaving him to go into greater detail about the bill, as I think he knows more about it and can explain it more fully. Shortly put, the bill is designed to legalize and regulate the position regarding Hindu marriages contracted in this country, and it also seeks to make provision for succession and divorce among Hindus.

MR. PATEL: Your Excellency, I beg to second. For the last 20 years doubts have been expressed in legal circles concerning the validity and otherwise of Hindu marriages which have taken place in this country in accordance with Hindu religious rites. Efforts were made twice at least during the last 20 years to have some bill passed in this Council to regularize the position and to set at rest these doubts expressed in legal circles, but the matter was precipitated by recent decisions of the Supreme Court, one at Mombasa and one at Nairobi, in which the judges gave it as their opinion that they had no jurisdiction whatever to grant any relief in regard to Hindu marriages. In both cases it was a question of the restitution of conjugal rights, and the suits were dismissed on the ground of want of jurisdiction. That was the reason why the Hindu community asked me to approach the hon. Attorney General's department to have this bill introduced into Legislative Council. A draft bill was prepared by some persons outside, but the provisions followed a similar bill passed in Nyasaland: As the hon. mover said, this is a different question, because the Hindu law is still not codified in almost all parts of India. The present principles of Hindu law are based on ancient text books as amended by decisions of the high court in British India. These require careful consideration because, to give one instance, clause 4 of this bill says: "4. (1) The divorce in the Colony of either party to a marriage of Hindus, whether domiciled in the Colony or not, shall, if the divorce is on grounds which are recognized as valid grounds for divorce by the law of the country of the persons divorced". As if religion of the persons divorced" is not a divorce. It stresses that a Hindu marriage is an indissoluble tie; but its custom and usage in the majority of sections of the Hindu community divorce

is recognized. Therefore, all the provisions here will have to be very carefully scrutinized with a view to knowing how custom that is followed in India shall be followed in this country. As I stated earlier, the Hindu law is not yet codified, although some amendments have been made in India. Moreover, it will not be clear to some who do not know the Hindu law that in the matter of succession it is not the religion of the person which governs the inheritance but certain schools of Hindu law, because that is done according to the old textbooks written some centuries back.

With these remarks I should like to thank very heartily the hon. Attorney General for bringing this bill to the Council, for if he had not done so the matter might have been left for a still longer time, with the result that the Supreme Court would have said every time that any case concerning a Hindu marriage did not come under their jurisdiction. With these remarks I second the motion, and say that it is very necessary to refer it to a select committee.

The question was put and carried.

MR. FOSTER SUTTON moved that the bill be referred to a select committee comprising himself as chairman, Messrs. Patel, Thakore and Pritam.

MR. BROWN seconded.

The question was put and carried.

#### INCOME TAX (AMENDMENT) BILL

##### SECOND READING

MR. MUNOY: Your Excellency, I beg to move: That the Income Tax (Amendment) Bill be read a second time.

Although this bill, like all Income tax bills, appears a formidable document, I think it can be explained adequately in a very few words. It proposes to make four amendments to the principal ordinance. The first one proposes to add a schedule to the principal ordinance to enable the tax to be charged on income received by the Custodian of Enemy Property. The position is that under section 7 the charge of income tax is on the income of any person, and as a result of a decision of the high court in the United Kingdom about 1921 it was held that income in the hands of the Custodian of Enemy Property was, as it were, in statutory suspense and did not belong to



[Mr. Nicol] of Agriculture. It was a very interesting select committee and there was a lot of work in it. That file will indicate the amount of stuff we had. However, the greatest thing is we got all the differences ironed out, which is satisfactory.

There still appears to be some slight misunderstanding among certain people in regard to the intention behind this bill, and I think it is only right that we should have it definitely on record that those misapprehensions can be eliminated. I have here a letter from a certain coffee planter who is replying to a circular letter sent out by a commission agent—you know the normal thing—saying they hope that he will employ these particular people as his agents in the coming year. He replies as follows: "In reply to your letter of the 13th instant, I was under the impression that all coffee planters were to deal with one agency only, viz. the Kenya Planters Co-operative Union, and that that matter would become law." That was written on the 24th November, whereas this new bill was published on the 14th November, and if people who are in doubt on this matter will turn to clause 18 (4), it is very definitely laid down there that "the board shall pay due regard to the claim of any agent carrying on business in the Colony to be so employed, and the board shall not be permitted to employ a sole agent to sell coffee under the provisions of this section except upon a resolution passed by the Legislative Council of the Colony." That, I think, should dispose of any fears that people may have that one agent and one agent only is going to be allowed to handle the crop.

This bill has given us all an enormous amount of work, and I sincerely trust that, if an amending bill is brought before Council at a subsequent date, I am not unfortunate enough to be on the select committee for it.

The question was put and carried.

#### MIRAA CONTROL BILL.

##### SECOND READING

MR. TOMKINSON: Your Excellency, I beg to move that the *Miraa Control Bill* be read a second time.

The definition of miraa is given in the bill, but I might just say a few words about it. This plant or shrub has been

growing in various parts of Kenya Colony for some years but, though indigenous in places, in other places it has recently been cultivated. The reasons for its cultivation are fairly obvious—because the demand has grown. In the Meru district in 1934, the tribe passed a local resolution prohibiting consumption of the leaves and the chewing of the twigs, restricting that to the elder ages. The reason why they allowed the elder ages to consume it is because the use of this was a peculiar custom of the tribe, especially regarding marriage ceremonies, but the position has changed very considerably. In the old days the growing of miraa was restricted to a very small number of prominent men. In fact, the names of those people are still known, but nowadays the trade is very considerable and, in fact, it runs to several hundred pounds a month. I discussed the bill recently before the Meru Local Native Council, and one can see their point. They said: "While we have taken steps to protect our own people, as regards other people that is their business." Obviously it is the business of Government to safeguard those others. I would say that consumption of this is very prevalent in the Northern Frontier, and the Officer in Charge, Northern Frontier, now Provincial Commissioner, Northern Frontier, has from time to time urged that steps be taken to point out the dangers of this drug.

I am not competent to dwell upon it, but if hon. members will refer to the *East African Medical Journal*, No. 1 of January, 1945, it will be seen that not only is the editorial occupied with this subject, but there are four other articles. Without enlarging on the matter further, I think we are all agreed and abide by the medical profession in their opinion of the danger of this drug. I would say that unfortunately its use is spreading very considerably, and, in fact, some of the younger members of the Meru tribe are taking this drug, but I feel that with this bill, when enacted as an ordinance, we shall be in a stronger position to prohibit its use. I would say that the Local Native Council are very perturbed at the loss of revenue and have asked that I would inquire regarding alternative that I would inquire regarding alternative taking up with the Agricultural Department. I would say that in Somaliland, as

[Mr. Tomkinson] far ago as 1921, legislation was introduced to restrict its use and sale, and again in 1939 they brought in further legislation.

I am authorized to say that this bill will be referred to a select committee. As a result of further inquiries it has been found that the use of this drug is more widespread even than I thought, and in fact it is indigenous in parts of Embu. Though it was not used to any great extent there previously, there is no doubt that the practice of obtaining money by the cultivation of this drug and selling it in the markets has increased tremendously in that district, but on further inquiries I have ascertained that the elders of this area, I am talking of the southern area of Embu, do use it to a certain extent in the same way as Meru do in certain customary functions.

Turning to the actual bill, clause 3 is quite clear, but I should like to explain that under clause 3 (2), last paragraph, it is my intention to see that we try and eliminate this drug altogether by not renewing permission to the age grades who are now growing up. I do not think there are any other controversial matters in this bill. As I said before, it will be referred to select committee, and any points raised in the debate which I cannot answer at once will be considered by that select committee.

MR. FOSTER SUTTON seconded.

The question was put and carried.

MR. TOMKINSON: Your Excellency, I beg to move that the *Miraa Control Bill* be referred to a select committee consisting of the hon. Attorney General as chairman, the hon. members Mr. Cooke, Dr. Rana, Eliud Mathu, and myself.

MR. FOSTER SUTTON seconded.

The question was put and carried.

#### TRANSPORT LICENSING (AMENDMENT) BILL

##### SECOND READING

MR. FOSTER SUTTON: Your Excellency, I beg to move that the *Transport Licensing (Amendment) Bill* be read a second time.

This bill seeks to amend the *Transport Licensing Ordinance, 1937*, by deleting section 3 (1) of that ordinance and sub-

stituting a new sub-section therefor. This new sub-section, if enacted, will enable the Governor (the meat is in the proviso) "if he considers it desirable so to do, to appoint not more than two other persons to be members of the Licensing Authority for any meeting of such Authority". It is intended that such persons should only be appointed for a particular meeting or series of meetings and that they should be in addition to the statutory membership of the Board. The reason for suggesting the amendment is this. I understand from the chairman of that Board that when they have meetings in far distant places in the Colony it is very often extremely difficult to get a quorum to carry on the business of the Board, and moreover it is considered, I understand, by the Board to be desirable to co-opt in this manner persons from the district in which the Board are sitting who can assist the Board in their deliberations with their local knowledge.

The next amendment is one that I think is long overdue. At the present time if the Board wish to appoint a messenger or any servant they have to go to the Governor in Council—why that was provided I do not know—and get the Governor in Council's permission to do so. It is suggested that that should be deleted and that the power to employ servants of the Board be conferred on the chairman. I have called it the Board—it should be the chairman of the Licensing Authority.

In the past the Authority were under the impression that they could co-opt persons other than the statutory members to sit with them during their deliberations to sit with them during their deliberations to sit with them during their deliberations. It is and take part in granting licences. It is our view that they have no such power. Therefore, if any person, without this amendment, which is contained in clause 3, chose to take objection and go to court about it, it might raise considerable difficulties. Clause 3, therefore, has been inserted to validate any acts which the Licensing Authority have done which were invalidly done under the principal ordinance.

MR. BROWN seconded.

MR. MATHU: Your Excellency, there is one small point I should like to mention which I mentioned during the budget debate, namely, that this amendment is welcomed as far as African interests are



[Mr. Foster Sutton]

I cannot tell hon. members now, because I do not know myself what the deliberations will produce, but the matter is receiving the active attention of the Secretary of State.

The question was put and carried.

## BILLS

### IN COMMITTEE

MR. FOSTER SUTTON moved that Council resolve itself into committee to consider, clause by clause, the following Bills:—The Deputy Provincial Commissioners Bill, the Transport (Amendment) Bill, the Bills of Exchange (Amendment) Bill, the Land and Agricultural Bank (Amendment) Bill, the Coffee (Marketing) Bill, the Military Units (Amendment) Bill, and the Income Tax (Amendment) Bill.

MR. BROWN seconded.

The question was put and carried  
Council went into committee

### Deputy Provincial Commissioners Bill

#### Clause 1

MR. FOSTER SUTTON moved that clause 1 be amended by the substitution of 1946 for 1945.

The question of the amendment was put and carried.

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

### Income Tax (Amendment) Bill

#### Clause 1

MR. FOSTER SUTTON moved that clause 1 be amended by the substitution of 1946 for 1945.

The question was put and carried.

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

### Transport Licensing (Amendment) Bill

#### Clause 1

MR. FOSTER SUTTON moved that clause 1 be amended by the substitution of 1946 for 1945.

The question of the amendment was put and carried.

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

### Bills of Exchange (Amendment) Bill

#### Clause 1

MR. FOSTER SUTTON moved that clause 1 be amended by the substitution of 1946 for 1945.

The question of the amendment was put and carried.

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

### Coffee (Marketing) Bill

#### Clause 1

MR. BLUNT moved that clause 1 be amended by the substitution of 1946 for 1945.

The question of the amendment was put and carried.

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

#### Clause 18

MR. BLUNT moved that clause 18 (3) be amended by the substitution of a comma for the full stop at the end and the addition of the words "and any agent so employed within the Colony shall be subject to the rules and regulations of the Mild Coffee Trade Association of Eastern Africa".

The question of the amendment was put and carried.

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

#### Clause 23

MR. BLUNT moved that clause 23 (1) be amended by the substitution of two for three in (a) and the addition of "(d) one other person".

The question of the amendment was put and carried.

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

MR. FOSTER SUTTON moved that the Land and Agricultural Bank (Amendment) Bill and the Military Units (Amendment) Bill be reported without amendment, and the remainder with amendment.

MR. BROWN seconded.

The question was put and carried.

Council resumed and His Excellency reported accordingly.

## THIRD READINGS

MR. FOSTER SUTTON moved that the following Bills be read the third time and passed:—The Deputy Provincial Commissioners' Bill, the Income Tax (Amendment) Bill, the Transport Licensing (Amendment) Bill, the Bills of Exchange (Amendment) Bill, the Land and Agricultural Bank (Amendment) Bill, the Coffee (Marketing) Bill, the Military Units (Amendment) Bill, and the Fatal Accidents Bill.

MR. BROWN seconded.

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

## NATIVE POLICY

The debate was resumed.

MR. SURRIDGE: Your Excellency, I beg to move: That the motion before this Council be amended by the deletion of the words "can declare" inclusive to the end and by the substitution of the following words thereafter: "a more comprehensive and more closely co-ordinated native policy and keep Council informed as it develops". In order to make it quite clear I should like to read the motion as amended: "That in the opinion of this Council the Government should formulate a more comprehensive and more closely co-ordinated native policy and keep Council informed as it develops".

I trust that this will be acceptable to the hon. Member for Kiambu. I should like to explain briefly the reason why the Government has proposed this amendment. In the first place, if members will turn to the introductory statement to turn to the introductory statement to turn to read it out: "A general statement of policy has been prepared and will be issued shortly, and I do not propose now to endeavour to deal with any of its details, but I think I should say this. It is in my judgment necessary that a statement of policy of this kind should be made; nevertheless I and my advisers recognize to the full that in many respects the statement must be regarded as a first attempt to formulate a general policy rather than as a final statement of policy. It is doubtful whether in what are after all still virtually pioneer conditions in a Colonial territory it is ever possible to do more than to state from time to time in general terms what the Government proposes to attempt at the next

phase". That is the first point. The second point was the phrase "immediate future" in the original motion. As I explained the other day, we have about six committees at least in front of us, and really it would be quite impracticable for us to get this out within a year or so, as stated by the hon. member. We will, in fact, do what we can, but we can make no promise that this can be done within a year.

What have we done already? I would refer hon. members to the various Orders in Council, Royal Instructions and ordinances dealing with Africans, and to the statements made from time to time by His Majesty's Government in the United Kingdom giving broad outlines of native policy. I would mention the memorandum issued by His Majesty's Government in 1930. More recently, I would refer to Sessional Paper No. 8 of 1945, which devoted some four pages to African settlement and re-settlement. In that paper the Government dealt with the whole problem of native settlement and laid down an agrarian policy for the future. I would also like to take the opportunity to say that the hon. Member for Health and Local Government will be asked to produce a similar paper on Local Government policy in the near future. Other papers will issue from time to time.

The hon. member gave us some concrete schemes, but did not mention, not very specifically at any rate, the cost of these schemes. I think that should be borne in mind, and also that if her proposals are accepted a number of them will have to be worked out in considerably more detail. Finally, a word of warning. Our policy must not be static; it must be alive and it must change with the times. We must not be content with setting out what we intend to do; we must do it and ensure that the policy is modern and up to date.

May I again read the amendment that I have proposed to Council: "That in the opinion of this Council the Government should formulate a more comprehensive and more closely co-ordinated native policy and keep Council informed as it develops".

MR. BROWN seconded.

HIS EXCELLENCY: I do not know whether the hon. member feels that she could accept the suggested amendment?

MRS. WATKINS: Yes, Your Excellency, I will accept the amendment. Do I have the right to speak to it later?

HIS EXCELLENCY: You will have the right to reply on the substantive motion as amended. If hon. members are agreeable it might save a little time—I have no wish to muzzle hon. members, but they will have every opportunity of speaking on the substantive motion, as amended, if this amendment proposed by the hon. Acting Chief Secretary is adopted.

The question of the amendment was put and carried.

HIS EXCELLENCY: All hon. members are now in a position to speak on the original motion, as amended, except the hon. Member for Kiambu, who has the right to reply to the debate. The hon. Acting Chief Secretary who has already spoken to it, and the hon. Solicitor General who has already spoken to the amendment of the original motion.

MR. DONOVAN: Your Excellency, with much that the hon. mover had to say on the subject of education I would heartily agree. Indeed, much of what she said is in fact, and has for some years been, part and parcel of Government's policy in African education. But there are one or two points I should like to comment on. She pleaded for education in the widest sense, and said we must not have a system of education that merely produces large numbers of clerks. I think, perhaps, she was thinking of the fact that quite a number of untrained Africans, having left school and not having been trained in any vocation, feel they are qualified for clerical jobs, and, indeed, many are successful in obtaining them. But I would suggest that the tendency for people to look for jobs for which they are not qualified is not a practice that is confined to the African. (Laughter.)

She raised the question of women's education and, as she coupled the suggestion that there should be a Director of Women's Education also with the suggestion that such an officer should be a member of this Council, it would be improper for me to comment on that, and I must leave it to another speaker on this side of Council. She complimented Government on what was being done now in respect of the education of

African women, but she made a statement that I should not like to go on record unchallenged: she said that one of the advantages of planning for women's education now was that we could start from scratch. I think that is rather a harsh criticism of the very devoted work put in by an admittedly small band of missionary women throughout Kenya for many, many years, and I do not think it is correct to say that work among African women has not been going on, and not been going on successfully, for quite a number of years.

She then touched on one of the big problems of our African schools, and that is the question of wastage, but she did not differentiate between the various grades of schools, and I should not like hon. members to think that Africans can walk in and walk out of our primary and secondary schools just as they please. The wastage is practically confined to what are often called bush schools. It is a big problem. It is a problem that is not capable of any easy solution. I understood the hon. mover to suggest a measure of compulsion. In fact, one or two local native councils have in recent months, or recent years, suggested that local native council resolutions might be passed to the effect that, once an African has voluntarily enrolled in a recognized school, he should be compelled to complete the course. That is not a thing that can be done merely by a stroke of the pen.

The last point I should like to remark on is her plea for more literature, including, I think, something in the nature of an African readers' digest. Government has under consideration at the present time the possibility of establishing an inter-territorial language and literature bureau, with the specific purpose of producing the reading material that we need at all stages in African education.

MR. TOMKINSON: Your Excellency, there was one point which I heard directed against a specific area in the Central Province and you, sir, asked the hon. mover to give the name of the district concerned where this incident occurred. You received a reply, but it did not give the name of the district. I asked the hon. mover if she could give me in-

[Mr. Tomkinson] formation on this incident as regards the men refusing to work and the women being ordered out, and the hon. member advised me that she thought it was in one of the more recent reports. As she quoted somewhat extensively from the Kikuyu Lands, Mr. Humphrey's and Mr. Lambert's reports, I obtained a copy of that. I regret that I could find no reference to it, but I shall be very pleased, if she finds the actual reference at a later date, to give her the information she may seek.

MR. MATHU: Your Excellency, I listened with very close attention to the remarks, with very long remarks, made by the hon. mover of this motion. I had thought that the hon. mover would first of all tell us what she knew of the existing native policies of this country, because there has been more than one, and that she would criticize those policies and inform this Council and this country of the weaknesses of those policies, and then go on to say that now we have no policy and therefore it is high time Government produced one. That, if I heard her aright, is not what I got from the whole of her speech. In 1923 the British Government issued a policy, which became known as the paramountcy of native interests. That was followed by the dual policy, which incidentally later was found to mean that the Africans were expected to develop not only his own lands but the lands and services of other people. Then there is the policy of trusteeship, which she did not mention, about which we should like to hear the weak points. Then a detailed enumeration of the requirements of this land, and this we have regularly mentioned in this Council, of which Government, as witnessed by the Acting Chief Secretary when moving the amendment to this motion, is aware.

I do not propose to reply to all the points that the hon. member made, but I should like to make a few remarks on some of the major points wherein I felt some of the future development she referred to in this land.

In the first place, I thought it was good of her to lay very special emphasis on the subject of education. By that I do not mean that I agree with every point she advanced in this matter, and par-

ticularly when she said that the system of education she wanted was to have the natives taught very gradually, I submit that all the reforms we would like to make in this country will mainly be possible through the educated-African population. If we have, as we have at the present moment, a large illiterate African population—and I have made this point in this Council more than once before—we shall find it extremely difficult, I remarked in the debate last December that if we wanted, for example, to carry out soil conservation work as effectively as we want to and the work of the Veterinary Department in improving the African live stock, it is absolutely essential that we have educated Africans in large numbers to be able to understand and carry out the proposals of Government, but if educational schemes are to follow the principle of gradualness I think it will take us longer than we have ever anticipated. It is that point, that if the hon. mover wished to have all these reforms done, the should have for a more vigorous plan for African education in every possible way. That, of course, would imply much social services and in her remarks about social services she did say that Africans should pay more for them.

In another place it has been suggested that the African has to pay for these things, when the question is his economic ability to do so; which goes to the question of farming and the price of the produce he grows and so on. It is really a double-sided affair, that, if the African is to pay for education, the facilities for making money and the facilities for creating his own wealth both from the land and other sources should be provided.

While on the question of education, I should like to associate myself with the hon. mover in saying that women's education needs more improvement than education needs more improvement than for the men's. I have supported that view for many years, and the present Acting Director of Education will bear me out when I say that I have every time voiced those views in the Advisory Council on African education. I am not alone in this: the majority of Africans do realize that if we are to progress our women that must be well educated. There is no question about that. The question comes in of the practicability of these things, the



[Mr. Mathu]  
finance and the staff to run the schools where women are to be educated.

The hon. member also dealt with a question already replied to by the hon. Acting Director of Education regarding the trend of African education. She said that we do not want an over-production of clerks, and I entirely agree. The African is aware that unless he develops all ways in educational status it is not possible for him to take his proper place in this land. I do know myself that Africans want to avail themselves of whatever there is in the way of technical training, so that they will not only be bookish people but people able to use their hands, and that is very, very important. If I did not interrupt the hon. member while she was speaking, it was because I wanted her to complete her remarks uninterrupted. What she meant was that if the African is using his hands on his own land, even in a small *shamba*, and not using them in the employment of somebody else, the African was not using his hands. That, of course, is untrue.

MRS. WATKINS: On a point of explanation, I never said any such thing!

MR. MATHU: I accept the point of explanation but, as I say, the manual training of the African is equally important and it cannot fall behind. We have to get it for, the hon. member said, African leadership was lacking. We must have highly educated Africans therefore. In that regard I should like to hear what support she would give to the schemes we have raised in this Council to have some Africans educated overseas, so that they will come back and take the leadership that is required not only in the Government services, which are in great need of trained African personnel, but also in other employments.

The other point in regard to African education is that the hon. member says she would like some compulsion of attendance of children at schools. I have suggested in this Council, and it has had the support of quite a number of Africans in this land, that we should have compulsory education in our big townships. That has not received the support it ought to get from the unofficial members of this Council, and if the hon. member does require some compulsion the most important is the one we have

suggested, to have elementary education compulsory in Nairobi, Mombasa, Nakuru and Kisumu—that would be the right way to start it. In regard to civics duty for 18 months I should like to reserve my judgment on that point, because it does imply more than the hon. member has been able to place before Council to-day. I do feel that if it is a form of conscription, it would be contrary to what is known in the democratic world, and it would receive the opposition of the Africans. I entirely agree with her that we should co-ordinate our methods of training Africans in various trades and agricultural undertakings as well as welfare work, and I submit that Government is aware of this, and the office of the Chief Native Commissioner has been expanded recently with that in view.

A very important subject is the use of the land. Under that heading the hon. member took me to task, and said that I made some statement in my speech last December to the effect that Government were thinking that Government was intending to take their land from them; therefore, they said they must do nothing in the way of soil conservation because they were going to lose their land. That is like nothing that I said at all, and it was not fair that I should interrupt the hon. member by rising to a point of explanation. What I did say was that the African had not the publicity given by the publication of "Kikuyu Land", and at the suggestion to move some 14,000 families in the South Nyeri district there was some misconception among the Kikuyu that this might be the first move towards taking the land which is already theirs. I personally said that I knew that was not the intention of Government, and that it was a point on which I suggested more publicity might be given by the Information Office and people of that kind, but I did quote from that report, a very important part, which the hon. member did not make clear, namely, that the African in the native areas to-day, particularly the Kikuyu land unit, which is their country, must do all he can to conserve his soil, and all the conservation measures that have been advocated by the Agricultural Department in those areas have, I am sure, been done more efficiently in the last few years than ever before.

[Mr. Mathu]

I do not think this has been done to the complete satisfaction of us all, but certain things have been done which indicate that they are aware that unless they maintain and conserve the soil they will not be able to grow anything. That he had security of tenure in those native land units I knew it was so, but I should like to get that assurance from Government once again so that the Africans can be sure that the land is theirs and that there is no intention on the part of Government to take land which they hold native land tenure. That is a matter which particularly concerns the Kikuyu people, and I have said on more than one occasion in committees and elsewhere that no attempt will be made without his own co-operation to interfere with his established land tenure system. That is a point which I am sure is very important, and one on which Government will have to be very cautious about in tackling.

My final remarks that I should like to make are still on the question of land. The hon. member did refer to a point which is exercising the minds of the Kikuyu people now more than it has done in the past. I refer to her remarks on the women doing more work than the men. That is a point about which, as I say, Africans in the Kikuyu lands and elsewhere are thinking hard how best to relieve their womenfolk from much drudgery that they have to undergo. But I should like to point out to this Council this afternoon that most of these things are done at the present moment from economic necessity, that unless the future of the children and husband and wife are economically well off they cannot employ people to do the garden work for them, and consequently they have to do it themselves and the women have to take part. If their economic circumstances warranted it an African would pay for labour in his *shamba*. I think it is a matter that will come in time, but at the present moment, when an African is on Sh. 8 a month, the woman will have to work on the land, not only to get food for herself and the children, but even for that labourer getting Sh. 8 a month elsewhere. That is the whole point which I think quite a number of Kikuyu are

criticized in allowing their women to work. By evolution that may disappear.

The question of labour was dealt with by the hon. member very caustically, but there is only one answer. I would like to impress this Council with the fact that the Africans are very, very antagonistic towards the *kipande*. The *kipande* system is hated by every African in this land, and when the hon. member maintains we should amend it and produce what she called the *kipande* system given to Europeans during wartime, I felt that that was not really something that could be borne by Africans who are caused legally to carry the *kipande* on his person and produce it when called on to do so, and his finger prints are taken as if every African were a criminal. It is a very important matter which Government should consider most seriously with a view to removing. It does not exist in the neighbouring territories, and those territories, Uganda and Tanganyika, are apparently able to function without it, and I am sure that we can function without it. I should like to draw Your Excellency's attention to this one fact. I have had numerous letters from Africans had numerous letters from Africans telling me that when they read the proposals by Government to set up a Kenya memorial, they wished Government to consider the memorial they would like to have. It is not an educational institution, it is not a hospital, but it is the removal of the *kipande* system from the African people. That shows you the importance the African attaches to the *kipande*. I can say that we have done what we could to help the British Empire defeat Germany and Japan with our man power, money, and everything. We do not want anything to perpetuate our involvement in this war—what we want is memorial in this war—the removal of the *kipande* system, which they do feel strongly about, and I would like to impress on this Council the importance they attach to it.

There is one final remark I would like to make on the motion, and it is this. The hon. member remarked, if I heard her right, that African progress in this land would be impossible without the Europeans. That is true, very true, but it is equally true that in Kenya to-day there would be no progress by the European or Asian without the African. If that is so, why should you want

[Mr. Mathu]

Africans if the Europeans and Indians can do without the help of the Africans? I take the view that the progress of this country depends on all the communities inhabiting it, and that we must help one another in every direction. The Africans will have something to contribute, the Europeans will have more to contribute because of their better privileges and opportunities of long period of education and civilization; the Asian community will also have theirs to contribute, and I must not forget the Arab community, which will also have something to contribute. I think it is incorrect to say that only one community can make Kenya. It is all of us, and I feel that all of us are required in the most important work that lies ahead of us to make Kenya a better place than it is to-day. I do not think it is one-sided—all are involved.

With those remarks I should like to say that Government has said in the speech quoted here by His Excellency on the 26th November, 1945, that Government were considering giving a general statement of policy. I am happier when it is put that way, but not if this Council has to demand a policy which is directed only towards one community. It is a general statement of policy I should like to see. I should like to see whether the Indian community would like someone to move that Government should introduce an Indian policy in Kenya, or the European community policy in Kenya. It is this piecemeal approach to these matters that I am opposed to, and which irritates me. It is a general statement of policy for Kenya with which all ought to be associated politically, socially, economically, and in every way, and that is the policy we should go for, and not dividing separate communities into watertight compartments. We should all work together in harmony with co-operation for the welfare of all.

MR. ODEDE: Your Excellency, I should just like to support what the hon. African member has said. The only thing I can add is about the *kipande*. The Africans do not like *kipandes*. It makes the Africans in Kenya feel ashamed to have a *kipande* while the Africans in neighbouring territories do not have *kipandes*. If it is removed by the Government of this country then the Africans will feel free. At present the

Africans do not feel free at all in Kenya. I am sure they feel slaves. I should like to see the *kipande* removed in the immediate future. That will make the Africans feel more at home than anything else, and I believe that if it is removed no wrong will happen in this country. There is not even one African who can support the *kipande*, and if somebody is actually forced to carry what he does not like he can actually die for it. I am sure the Africans do not like *kipandes*, so I would ask that the *kipande* be removed.

MR. SHAMSUD-DEEN: Your Excellency, I only wish to say this much, that while I am also not in favour of Africans being treated differently from other races, I just want to give an expression of my own feeling. I also have to have a permit, and it is a much more complicated permit than the African has. I cannot move about without a passport, and the African does not have to go to the expense of having a photograph taken. I have to renew it periodically and spend an appreciable sum of money on it. (MR. ODEDE: Do you carry it around?) No, but we have to carry some form of identity card.

MR. PATEL: Your Excellency, I did not intend to speak on this motion, but my hon. friend Mr. Shamsud-Deen has chosen to take part in this debate. His comparison of a passport with a *kipande* is, in my humble opinion, ridiculous, to say the least of it. I have great sympathy with the arguments advanced by the two members representing African interests making a plea to this Council and the Government for the abolition of the *kipande*. I personally think that, when adjoining territories do without a *kipande*, this country can certainly do without it. I am prepared to admit that we may have some inconveniences and difficulties in the beginning, but when you consider that this effects three-million inhabitants of this country, we should find some ways and means of meeting their wishes and their grievances. I consider that when the African members state here in this Council that those Africans who have served in the Army would rather have the abolition of the *kipande* as a war memorial than anything else, it is time we seriously thought about it and did something.

[Mr. Patel]

At the same time, I maintain that in this country we should try to find ways and means of abolishing this sort of differentiation so that we can pull together. It is no use on every matter dividing the country into four watertight compartments: Europeans, Indians, Africans, and Arabs. Let us all pull together. When we discuss native policy only we are giving the impression that the Europeans, Indians and Arabs can act in this country as they like, but that the native should have rules and regulations created for him so that he behaves in a particular manner only, and for that reason I personally am not happy about the motion that is before the Council.

MR. MARCHANT: Your Excellency, in speaking to this motion the hon. member in her remarks covered practically the whole field of administration. The original motion was rather unfortunately worded, as the inference to be drawn was that there was no native policy, but she herself in her opening remarks admitted that Government policy had in fact been defined by Sessional Papers Nos. 8 and 6, so that she really has to some extent answered her own question. She went on to discuss the attitude of mind of both the Government and the man in the street towards the African. The attitude of mind is perfectly clear; it is one-of-benevolence, and I hope it is reciprocated by the African.

One thing I should like to impress on hon. members of this Council is that we are dealing with human beings and not robots. During the hon. member's remarks when talking about labour I felt there was a tendency to consider the African more for the particular purpose of labouring than anything else. We all must labour in one degree or another. Government has in fact accepted this policy, and it is declared in, I think, the report or comments on the Interim Report of the Development Committee, that all must work. Whether people work for themselves or whether they work for others is a matter for their own inclination, but it is the policy of Government that all must work. I cannot, however, go quite as far as the hon. member would appear to wish, as the inference to be drawn from her remarks was that

she required something rather more direct. I cannot agree to a system of compulsory labour, and I feel confident that that is not in the least what she meant. What she really did mean, I think, was organized labour, but organization must, I feel, come from industry; it is not the function of Government to organize the labour supply. It is the function of Government to give every assistance. That is true, but Government will not, and cannot, compel people to work and cannot direct them into industry.

Then the hon. member spoke of training and she referred to the need for not over-training—or rather not training more people than can be absorbed. I seem to remember not so very long ago that a very large number of pamphlets were sent out by the Reabsorption Board, asking what the absorptive capacity of the country was. I also seem to remember that the response to that request was extremely unsatisfactory, so I think I can say safely that the Government is very much alive to the dangers of, shall I say, over-production of a particular type of craftsman or labourer.

Then the hon. member referred to the question of trade tests. That I think will be covered when the labour bureaux are set up. It is intended that there shall be classification in those bureaux: I will not say that we have got quite as far as it is not doing trade certificates yet, but it is not a very long step from classification to trade certificates. The hon. member also referred to the need for training welfare workers. That I am happy to say it is in hand (it is a matter with which I personally am very deeply concerned), and we hope to have a welfare training course for Africans in being next month. That will take place at the Jeanes School in connection with the demobilization training centre.

The hon. member referred to the question of African land settlement. As the hon. member is aware, an African Land Settlement Board has recently been set up, and its personnel is made up of people who, I think, represent the interests of the African side, the anthropological side and also the practical side, as well as the European settlers and the Africans themselves. There are three Government officers, a district officer, two hon. members of this Council, and

[Mr. Marchant] one other prominent settler, and two, or rather, three Africans. So questions which arise in connexion with the complications of land tenure and so on will receive consideration by that Board.

The hon. member made a sweeping statement when she said that Government was not prepared to compel Africans to do anything for the benefit of their land. If I may say so, it is incorrect. There is an ordinance called the Land and Water Preservation Ordinance, and the local native councils have in fact passed extremely far-reaching resolutions to control the use of the land, and these resolutions are enforced. So I think it is a little, shall I say, exaggerated to say that the Government is not prepared to do anything.

Then the hon. member referred to the habit among Africans who work in Nairobi of retaining their foothold in the reserves while at the same time, as she put it, drawing Nairobi wages. The short fact is that Nairobi wages are insufficient for these natives to sustain and educate their families without drawing on the reserves to supplement their income. I think I made that point at an earlier stage in this session, but apparently the hon. member did not hear it.

The hon. member made another statement which I think I must challenge: it is to the effect that the land near Teita which had been handed over to the Africans comparatively recently was unoccupied. It so happens that I was in Voi last Sunday and I went over a portion of this ground, and the hon. member can take it from me the land is not unoccupied.

MRS. WATKINS: On a point of order, I think I said unoccupied except for a strip along the river.

MR. MARCHANT: Apart from the strip along the river, there is a very considerable amount of occupation on that portion of land.

I was very glad to hear the hon. member refer to the need for social centres and recreational centres in the native areas and in the European areas. In my view, it is very important indeed that Africans should not only be afforded leisure but taught to use that leisure. One of the troubles at the moment is

that the African does not know how to use it, and until such time as education can spread and facilities be afforded for recreation, so long will you have people sitting around the fire, chatting, and possibly doing things we would not agree with. On the point of education, my hon. friend the Director of Education replied to some extent, but there is one point I should like to make, and that is that so long as the literate native is peculiar to his brethren, so long will he regard manual labour as an indignity. It is only by the spread of education and generally raising the standard of living that we can turn these people to industrious pursuits.

I should now like to reply to the hon. member on the point, which was a very good one, which she made on the lack of economic pressure. It is a fact that to-day the African does not appreciate economic pressure. There is nothing to induce him to do so as his wants are so small that if he does not get a job he can just sit down and do nothing. It is only by evolution and the spread of education and the improvement of the standard of living that we can ever hope to bring home to the African what economic pressure means.

The hon. member made a suggestion that the labour officers should have a course of training at the N.I.T.D., on farms and in the country. There may be something in that, but the point is that the officers who are selected for these posts are officers with local knowledge and they are selected for their local knowledge. It does seem to be unnecessary, therefore, with certain exceptions, to give them additional training. However, I think there is something in her suggestion that we might have a course of instruction in cooking, or rather that they should see how cooking should be done, because there is no doubt that diet is one of the most important factors in the well-being of every labour force.

I have already touched on the question of labour. I also mentioned that it is Government policy that all shall work. But I would again stress the fact that we must in this particular maintain freedom of movement of labour. There must be the right of selection of employer. As one goes round this country one meets certain people who say they have no labour troubles at all. You go elsewhere

[Mr. Marchant] and you find people are full of troubles. It is difficult to find out why. The only conclusion one can come to is that employees prefer one employer to another, and I do not see how we can get over that. As regards the point made by the hon. member that labour for coffee picking in particular was not turning out as well as it was, I think I can give the hon. member some information, in that the results of the recent census are just coming to hand, and although they have not been analysed I can say that the net result is that the labour force out of the reserves to-day is greater by a very considerable figure than it was last year.

The hon. member has charged me with saying, when speaking during the budget debate, that the justification for the *Kipande* was perhaps that the African would get more money. What in fact I said, was that had we had identification after the last war a very considerable sum of money which had been earned by the Africans would have been paid to them, rather than revert to the Red Book, and again I think she must have mis-quoted me, because I am sure I did not say the Red Book was *ultra vires*. What I did say was that the Red Book conflicted with the terms of the International Labour Convention, which is a very different matter to being *ultra vires*. Moreover, she said these books were issued free. In fact, they are not; payment is demanded for the issue of the book in the first instance and a charge of, I think, Sh. 1 is made in respect of each discharge recorded. The original charge for the book is, I think, Sh. 2. (Mrs. WATKINS: Not necessarily; the African can go to the Labour Department and ask for a book, for which he pays Sh. 2.)

Then she referred to social services and said they must be paid for. The inference to be drawn from her remarks was that the African did not appreciate the fact that he had to pay for services. I would therefore invite her attention to the local native council estimates which are laid on the table of this Council from year to year, and if she studies these figures she will realize the amount of money which the local native councils do in fact pay for social services. This year the majority of councils

have, in fact, imposed additional rates for social services, so I think it can be said that the local native councils at any rate have every appreciation of the fact that social services have to be paid for, but I do admit that it is quite beyond the capacity of local native councils to meet all the needs of social services. That is a different problem which you, sir, as Member for Development and Reconstruction, are dealing with under your particular estimates.

I think that answers the points made by the hon. member. The debate, I believe, has done a certain amount of good; in fact, I think it has stimulated not only members on the other side but also on this side of Council, and from that point of view I welcome the debate that has taken place.

MR. COOKE: Your Excellency, in supporting in the main the points made by the hon. member in her very forceful and comprehensive speech, there are one or two points on which I do not agree with her. One of those points has already been met by the hon. Acting Director of Education and by the hon. member Mr. Mathu. I think we have flogged much too long that horse of African education and the making of disparaging remarks about what we call the literary African. A recent study has shown that if any country is to advance it must have a population which has been educated to read and write. South Africa even has realized it far more and far sooner than we have, and if anyone has read the report of a university meeting held in Durban the other day he would have seen the extraordinary emphasis laid on the necessity for literary education for the Africans of South Africa. This is not based on sentiment at all, but based on stern realism, because our friends in South Africa realize that unless they get educated—and I am talking about literary education—men who read and write, they will not be able to get the population which will buy their goods. Macaulay says that if you improve education you stimulate ambition, and not only does it stimulate political ambition but the ordinary ambition of ambition, but the ordinary ambition of man to lead a proper, civilized life and man to purchase goods and contribute in that way to the welfare and economy of the community at large.



(Mr. Foster Section)

"It is that is so, it is rather interesting to me, because quite recently at a meeting of the newly constituted Labour Advisory Board—there were on this board a number of people who have had long experience in this country, and I think better able to speak about the matter than I am—the board after considerable discussion unanimously agreed, and I say this for the hon. member's information, to recommend to Government that the compulsory use of the Red Book should be discontinued, that it should be made entirely voluntary. Whether Government will accept the board's recommendation is another matter.

Regarding the *kipande*, I do not think I should allow something that was suggested by the hon. Member for the Coast to go unchallenged, in connexion with the arguments used by natives and by the hon. members representing native interests against the use of the *kipande*. I think it is a great pity for the *kipande* to be linked with crime. It is not intended for that purpose at all. The C.I.D. has a large finger print department which cost this country, I was going to say, hundreds of thousands of pounds, and I think I am right because it has been in force upwards of 30 years, anyway for a very long period—and it has built up a finger print system which is fairly satisfactory. I think there is room for improvement, but it is fairly satisfactory, and that is the system which should be used in connexion with crime. The fact that a finger print is put on a *kipande* has nothing whatever to do with crime. I think it is a mistake that the two should ever be connected. I believe, and do not deny, that it is so used, and has been used on occasions in connexion with crime. Speaking personally for myself, it should not be so used; it was never intended for that, and I think it adds to the grounds of objection to the use of the *kipande*.

Mr. LINDSAY (Acting Deputy Chief Secretary): Your Excellency, there are two suggestions made by the hon. mover in the course of her speech to which I should like to refer. The first was a suggestion that a woman Director of Education should sit in this Council. The Education Department, like most other Government departments, is represented

in this Council by the head of the department, and although it would no doubt be very useful to have one or possibly more ladies from Government departments in Council, the fact is the question of numbers has got to be considered, and it is regretted that the suggestion which the hon. mover made is not considered to be practicable at present. Another suggestion which was made was that a general census should be undertaken in order to enable vital statistics to be obtained. In this connexion I should like to refer the hon. member to Sessional Paper No. 2 of 1945, in which Government's comments on the interim Development Report were published. A recommendation that a census should be carried out was accepted by this Government, and in common with the Governments of Tanganyika and Uganda it was considered that such a census should be undertaken on an East African basis. It is the intention of Government to undertake such a census as was referred to by the hon. member in 1946 provided that staff is obtainable. The hon. member suggested in the course of her remarks on that subject that Group Captain Walter might perhaps undertake the work himself—the hon. members remarks on that point are noted.

Mrs. WATKINS: Your Excellency, I will be very brief. I was not very brief this morning, but that had to be done. May I answer the questions just as I have jotted them down, as I did not have much paper?

The hon. Chief Native Commissioner, I particularly said I was not in favour of compulsory labour, but neither was I in favour of sub-economic food and the lifting of economic pressure. That economic force applies to every other race, yet it is lifted from the African. I know of no other race in this country that can sit at home and refuse to work, and yet have sub-economic food put on their doorsteps. I do not think that is a racial question. I think that is simply bringing them into the whole make-up of modern society.

It was very glad to hear the hon. Chief Native Commissioner say that Government had started training welfare workers. I think this debate has done quite a lot of good in bringing out those points on which Government has started.

(Mr. Watkins)

There are many pamphlets issued and I have taken every opportunity of reading them, yet I have not seen this point, and it is the co-ordination of the whole, of the many things to be tackled, that seems to us lacking. I am also glad land tenure also is being undertaken.

I do not think the hon. Chief Native Commissioner got my point when I said that his answer to the *kipande* was that it had saved the African a certain amount of money. I was trying to tell him, quite humbly, that his answer should have been that without identification of every citizen it was impossible to govern; it was not a matter of saving money for anybody. The hon. Chief Native Commissioner also says the African does not earn enough to keep his family. Mr. Lambert's report on Kikuyu Lands says that it would be very revealing if a census now could show how many natives, and he thinks there are a number, who are already earning quite sufficient to keep themselves and their families and are not doing that. It is these census figures that should be made available in the shortest possible time. That is backed up by public opinion generally.

The hon. Chief Native Commissioner has answered quite a number of questions that I did not ask. It is very kind of him, but I have not got quite the background of where I get off from there. For instance, he seems impressed that I do not believe in the right of the employee to select the employer. I believe most emphatically in the right of selection of employers by the African or any other employee. I merely meant he was leaving the native villages where it was inconvenient, if not impossible, for them to obtain that employment. There should be villages placed in centres of employment. I think the hon. Chief Native Commissioner thinks we can leave all this to the rather long drawn out process of education. I think that too much savours of *laissez faire* at the moment, because education is a lengthy process, and even Mr. Lambert stressed most strongly in his Government sponsored report that it was too lengthy a process when dealing with surplus people on the land and that we have got to get on with it right away.

When the hon. Chief Native Commissioner says that the labour officers know

our problems well, I think the answer is quite often in the negative. We try and discuss with them some of our problems and I at times have had the answer: "Shame, you play golf?" (Laughter). (S.H.M.C.) I do not find I really get very far with that. I know they are trying to take me off my hobby horse, but I want to ask how much this African housing costs, where it should be put up and what do you think would do for a simple roof and so on. They have not had any chance of experience in that line. And when I ask: "What is being done in the mines about centrally cooked food?" they say they have not been; or "How are the eating houses in Mombasa being run? are they well run; and what is the cost per head?" they say "I do not know." That is what I mean. If they could have four months touring round the country and getting a little bit of training and getting an insight into our problems, we should welcome it very much because they would help us to find the answers to so much.

The hon. Provincial Commissioner, Nyeri, bowled me out when he asked me for the reference about this Kikuyu business. I have had, I think, about a couple of hundred references for this lengthy speech and I cannot place my hands on it at the moment, but I have not quoted any reference which is not by either an official or semi-official authority. I have seen each one in print, or it may have been talked of with one of the officers of Government in ordinary conversation, in which case I will not give the name but I would ask him to give his name if necessary.

The hon. member Mr. Mawhu I would like to reply to in speaking about burials overseas. I would rather African women get burials first. I should like women to see how the European women run their homes single-handed, and amount of work one woman does, and how she keeps her children's home any money given for burials, should make, i.e. the African men. The hon. go before the African men. The hon. member is rather like some of the critics of the budget, as he complains that I have spoken too long; and yet much is not included. When he takes up my reference to civic duties for post school training of adolescents, he frankly thinks he smells a rat. I do not think there

(Mrs. Watkins) is a rat to smell! but in any case he is probably not aware of one fact of which I think the rest of us are aware, and that is that at the big meeting of the Electors Union recently it was voted *nem. con.*—I think it was unanimous—that there should be national service for every young British man in the country for 18 months or so. That was wanted by the people. The only difference of opinion that arose was, were men included? I was very strongly in favour, but the gentlemen were not!

But civic duty or national service is in any case not racial. What we feel is that every adolescent should have to pass through national service or civic duty. National service seems too grand a word for what I mean in post school training of a young African, in manual work for the public good. There is much civic work where he could be employed, saving the time of older workers, and it should be at Government discretion, not for private enterprise unless Government saw fit, but simply for training in town and country, to teach discipline and sustained effort, under proper conditions and with proper food! It would teach the young African what sustained effort meant, and not least, what standard of working conditions he could demand. When a young native comes to me he does not even know whether he can demand a bicycle, a gramophone and two sets of clothes, or whether he can demand a hut that does not leak. There is no standard. If a standard were set in this way the standard on every farm would rise to that level. On the good farms it would rise because they would take a pride in being a little better; the others would have to come into line from sheer necessity.

The hon. Provincial Commissioner: I should like again to say he misunderstood one remark of mine. I did not say the African women had been turned out by the Government. I said the men refused to do the work and, when persuaded by Government that it had to be done, they turned the women out, and they even turned some donkeys out as well. (Laughter.) The men were not going to do it themselves. The hon. member Mr. Mathu said this sort of thing was entirely due to economic pressure. Time and again I have walked along a road,

my husband walking with me, and perhaps we have had a child to carry, or a load, and always it has been my husband who carried the load or the child. But more than once when coming down the Umuru road I see a Kikuyu walking ahead with a stick, and a woman walking behind with a load. I stop and offer a lift for one. The woman said "Yes," but he says "No, she can walk." That is not economic pressure: that is a custom which we have to get away from. (Laughter.) (Mr. MATHU: Pride in the gentleman.) Perhaps it is pride, but it is an unfortunate sort of pride; it is not the kind of pride that makes a favourable impression on one, you see.

The Director of Education bowled me out when he said I made no reference to mission education. I did not, and I make a belated acknowledgment that they have done excellent work, but the thorn in my original remark was that it was the spasmodic efforts of the Education Department that had produced negligible results over a period of many years in women's education. When I said they were now starting from scratch, perhaps it is due to the fact that mission education for the women has been on more realistic lines than that of the men, and so we have not to alter any false impression made, e.g. we can now go straight on with them. But it is the men who believe education is the only road to clerical posts. There are sometimes exceptions.

The hon. member Mr. Thakore says all I want is manual labour for others. I must have spoken too much this morning because half the people did not listen. I particularly said manual labour, not necessarily for others but manual labour, and if I may I claim a certain right to say I know the reserves. I do know them and I know who does most of the manual labour in the reserves. Only recently I have been right down as far as the Tanganyika border, hitch-hiking on Native lorries, right through the reserve, and I learned quite a lot more. I assure you that for one man doing a job of work I saw perhaps 25 women doing one, with the exception perhaps of the men who have taken on women's work and sit on verandas with sewing machines making clothes. The answer to that will probably be because all the men are out. Oh, no, I think they were about equal

(Mrs Watkins) numbers in the reserves, as far as one could see from the markets and on the roads.

I am very glad to accept that alteration to the motion if it is going to help to do the business without delay, but if we think it is not quick enough, perhaps it will have to come up every six months, because we do want a comprehensive and co-ordinated policy very badly, and we believe, mistakenly, I hope, that Government does do certain things without getting that co-ordination, the thing that is going to help. The possible delay is what I find rather difficult, but in the meanwhile I am very glad to trust the good intentions of Government and I know, at any rate, that it is under active consideration, and we may be able to get on with it. It is the co-ordination I am keen about: to get things together. That is all I have to say.

The question of the motion as amended was put and carried by 25 votes to six. *Ayes*—Messrs. Blunt, Bouwer, Boyd, Brown, Major Cavendish-Bentick, Messrs. Cooke, Donovan, Emerson, Hunter, Major Joyce, Major Keyser, Mr. Lindsay, Dr. MacLennan, Messrs. Marchant, Mortimer, Mundy, Robbins, Sir R. E. Robins, Messrs. Surridge, Foster Sutton, Tomkinson, Vasey, Sir Alfred Vincent, Mrs. Watkins, Mr. Willbourn, 25. *Noes*—Messrs. Mathu, Patel, Priyam, Odede, Shamsuddeen, Thakore, 6.

Mrs./WATKINS: Your Excellency, did the official side have a free vote, because I believe some would have voted against the motion if they had?

HIS EXCELLENCY: The answer is probably in the negative!

#### ADJOURNMENT

Council rose at 5 p.m. and adjourned sine die.

#### WRITTEN ANSWERS TO QUESTIONS

No. 140—EDUCATIONAL BOARDING VOTES AND FEES

MAJOR KEYSER:

Will Government please state what were (a) the amount of boarding votes for 1945 and (b) the total boarding fees due for 1945, for the Eldoret Hill

School and the Kitale European School respectively, and the number of boarding pupils in each school?

#### Reply

(a) The provision voted for direct expenditure on boarding at Government European schools in 1945 is shown under Head 10, items 62 to 74 of the Expenditure Estimates. The Director of Education made the following provisional allocations for the year 1945:—

Hill School, Eldoret . . . . .	£8,067
Kitale School . . . . .	£2,878

Later in the year it became necessary to make an additional sum available for the Kitale School and the actual expenditure for the whole year was:—

Hill School, Eldoret . . . . .	£5,491
Kitale School . . . . .	£3,094

(b) The total boarding fees due for the year 1945 after excluding remissions approved by the Central Fees Committee are:—

Hill School, Eldoret . . . . .	£6,082
Kitale School . . . . .	£3,386

(c) The numbers of boarding pupils in each school in the third term of 1945 were:—

Hill School, Eldoret . . . . .	166
Kitale School . . . . .	110

#### No. 145—LABOUR SHORTAGE, ABERDARE CONSTITUENCY

Mr. WRIGHT:

Is Government aware of the acute shortage of labour for roadmaking in the Aberdare constituency area? Is Government aware that there are literally hundreds of Italians, former P.O.W., but now co-operators in the Burguret camp willing and anxious to work as road labourers? Why is such labour not employed or offered to the District Council for employment?

#### Reply

1. Government is aware that there is a shortage of labour for roadmaking in many areas including that of the Aberdare constituency.

2. The Government is also aware that there is a large number of P.O.W. co-operators in the Burguret Camp; however, P.O.W. labour was found unsatisfactory when employed by the Aberdare District Council in 1943 and 1944; it is understood that this form of labour is not now desired by the Council.

## No. 146—ITALIAN LABOUR

Mr. WRIGHT:

What quantity of wood fuel has been cut by Italian labour in the forest reserve above Naro Moru to date for military use? What amount of money has been paid? What amount of re-planting has been carried out and by whom? Is Government aware that there is a willing labour force in the Burguret Camp available and anxious to carry out reforestation to the extent of that area destroyed by such fuel cutting if and when seedlings are made available to them by the Forest Department?

Reply:

Above Naro Meru 186,509 stacked cubic feet (2,826 tons) of fuel has been cut, over about 46 acres, for military use by Italian labour. The amount of royalty paid has been Sh. 3,730/18. Thirty acres have already been reforested by the Forest Department by natural methods supplemented by bush planting of indigenous broadleaved species together with some podocedar and Mexican green ash. The whole area will be completed by the department in 1946.

Government is aware of the labour force at Burguret Camp, but from experience has found it unsatisfactory for this type of work.

## No. 148—EAST AFRICAN COMMAND

Mr. WRIGHT:

(i) As the War Office has now approved and the Casualty List for the E.A. Command has been published, will Government now press for the publication in original of General Cunningham's despatches?

(ii) Will it also press for the publication of the honours and awards list (a) covering British honours and awards and (b) South African honours and awards?

(iii) Will it further press for publication of the approximate cost of the Command year by year, 1940 to 1945 and state by whom such expense is to be borne?

Reply:

(i) It is understood that the authorized version of General Cunningham's despatches is in an advanced stage

of preparation for publication by His Majesty's Stationery Office.

(ii) All honours and awards have been notified to the Press as and when they have been conferred.

(iii) Figures showing the annual cost of the Command between 1940 and 1945 are not yet available. The ultimate liability for this expenditure is a matter which will be considered by His Majesty's Government in the United Kingdom in due course.

## No. 149—LOCUST CAMPAIGN

Mr. WRIGHT:

Will Government make a comprehensive survey of the locust campaign year by year from 1940 to 1945 giving particulars of the personnel employed—permanently and casually—European, Asian, African, with statement of costs of same? Details of transport employed (a) military (b) civil, and by whom the cost respectively will be borne? With regard to civil transport, will Government state the total amount disbursed on civil transport for the years 1940-1945 each year separately? The greatest amount paid to any individual each year in respect of such transport? The name of that individual and the reason for this selection? Will Government further agree to the publication of the report submitted by the two individuals selected by Government to investigate and report on the question of allocation of transport and transport contracts for transportation of poison bait for locusts?

Reply:

Reports on the last eight anti-locust campaigns were prepared but owing to the fact that the information dealt with troop movements and numbers those reports could not be made public at the time they were written. The reports cover the period from 27th May, 1943, to the 27th August, 1945, and a file containing a copy of each is being tabled. It is hoped in due course to write up a comprehensive report and survey of all the anti-locust campaigns against the present outbreaks, but with the position in regard to staff as it is at present this cannot yet be undertaken.

2. The personnel employed permanently (by which is meant personnel working during and between campaigns)

and casually are given below. The figures for civilian paid employees are accurate but those for unpaid employees are estimates and no firm figures can be given. The numbers of military personnel are approximately correct and in all cases the figures are believed to be the maximum number employed during the campaign. The actual numbers of each class of employee at work will have varied considerably from day to day.

## 1943. First Campaign

Civil.

European, permanent: None.

Casual: None.

Asian: None.

African, paid: 1,550. Unpaid: Number uncertain, but more than 2,000.

Military.

European officers and N.C.O.s: 80.  
African ranks: 3,520.

## 1943. Second Campaign

Civil.

European, permanent: 14. Casual: 3.

Asian: None.

African, paid: None. Unpaid: 2,000.

Military.

European officers and N.C.O.s: 60.  
African ranks: 2,000.

## 1943-1944. Third Campaign

Civil.

European, permanent: 16. Casual: 11.

Asian: None.

African, paid: 3,843. Unpaid: 12,000.

Military.

European officers and N.C.O.s: 70.  
African ranks: 2,400.

## 1944. Fourth Campaign

Civil.

European, permanent: 18. Casual: 35.

Asian: Casual: 2.

African, paid: 4,670. Unpaid: 29,000.

Military.

British officers and N.C.O.s: 120.  
African ranks: 3,780.

## 1944. Fifth Campaign

Civil.

European, permanent: 18. Casual: 6.

Asian: None.

African, paid: 95. Unpaid: 6,592.

Military.

British officers and N.C.O.s: 45.  
African ranks: 1,135.

## 1945. Sixth Campaign

Civil.

European, permanent: 20. Casual: 16.

Asian, casual: 3.

African, paid: 4,506. Unpaid: 12,000.

Military.

British officers and N.C.O.s: 78.  
African ranks: 2,250.

## 1945. Seventh Campaign

Civil.

European, permanent: 20. Casual: 14.

Asian: None.

African, paid: 553. Unpaid: 7,400.

Military.

British officers and N.C.O.s: 16.  
African ranks: 615.

## 1945. Eighth Campaign

Civil.

European, permanent: 20. Casual: 5.

Asian: None.

African, paid: 290. Unpaid: 2,000.

Military.

British officers and N.C.O.s: None.  
African ranks: None.

3. In regard to details of transport employed, again it is not possible to give a strictly accurate figure. Civil transport was paid for partly by the day and partly by the mile and the number of vehicles in operation varied from day to day during the campaigns. The following list, however, shows the nearest possible

estimate of the number of trucks made available and used during the course of each of the campaigns:—

	No. of vehicles	Total
<b>First Campaign:</b>		
Civil	100 )	
Military	312 )	412
<b>Second Campaign:</b>		
Civil	30 )	
Military	180 )	210
<b>Third Campaign:</b>		
Civil	150 )	
Military	220 )	370
<b>Fourth Campaign:</b>		
Civil	290 )	
Military	460 )	750
<b>Fifth Campaign:</b>		
Civil	75 )	
Military	140 )	215
<b>Sixth Campaign:</b>		
Civil	100 )	
Military	300 )	400
<b>Seventh Campaign:</b>		
Civil	57 )	
Military	75 )	132
<b>Eighth Campaign:</b>		
Civil	36 )	
Military	— )	36

4. The cost of military transport is borne by the British Government. The cost of civil transport has been paid from the Locust Suspense Account and this account is ultimately financed partly by the three East African territories of Kenya, Uganda and Tanganyika in the proportion of 50 per cent, 25 per cent and 25 per cent as regards their share and partly by the British Treasury.

5. It is not possible to state the total amount disbursed on civil transport each year or each campaign without a detailed investigation of all vouchers, which would take an accountant some considerable time. In 1943 the largest sum paid to any transport contractor was paid to A. M. Kaka & Co., Kitale. In 1944 and 1945 the largest sums paid

to those who acted for the Locust Control Organization in the provision of transport were as follows:—

	1944	Sh.
Patel Trading Stores,		
Nanyuki	1,290,778/50	
F. J. Buck, Kitale	284,544/50	
A. M. Kaka	101,777/50	
1945		
Patel Trading Stores,		
Nanyuki	1,332,008/05	
Express Transport Co.	58,579/52	
F. J. Buck, Kitale	57,670/00	

The Patel Trading Stores, Nanyuki was selected for this purpose in 1943 when sufficient civil transport could not otherwise be obtained in the Northern Area and the firm undertook to produce such transport as might be required. The firm carried out its undertaking to the full satisfaction of the East African Anti-Locust Directorate and was paid at the rates laid down and approved for transport in that area. No payments of Government money were made to the firm other than these rates. While the Directorate has never considered that this arrangement was ideal, no more satisfactory arrangement has been devised or suggested and the arrangement has worked satisfactorily.

6. The Government regrets that it is unable to agree to the publication of the reports submitted by the two individuals selected by Government to investigate and report on the question of allocation of transport and transport contracts for the transportation of poison bait for locusts since these were confidential reports to Government. It may be said, however, that one of the recommendations made, which was accepted by Government, was that tenders should be called for for locust transport. Such tenders were duly called in August last and after consideration by the Central Tender Board the contract for transport was given to Messrs. Paid Bros., Nanyuki, the firm referred to in paragraph five above.

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