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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1952

VOLUME LV

1953

SECOND SESSION—FOURTH SITTING
5th May, 1953, to 15th May, 1953

List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR

Vice-President and Speaker:

HON. W. K. HORNE

Ex Officio Members:

CHIEF SECRETARY (HON. H. S. POTTER, C.M.G.)
ATTORNEY GENERAL AND MEMBER FOR LEGAL AFFAIRS (HON. J. WHYATT, Q.C.)
FINANCIAL SECRETARY AND MEMBER FOR FINANCE AND DEVELOPMENT (HON. E. A. VASEY, C.M.G.)
ACTING CHIEF NATIVE COMMISSIONER AND MEMBER FOR AFRICAN AFFAIRS (HON. E. H. WINDLEY)
MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.)
ACTING DEPUTY CHIEF SECRETARY AND MEMBER FOR EDUCATION AND LABOUR (HON. R. G. TURNBULL, C.M.G.)
MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT (HON. SIR CHARLES MORTIMER, C.B.E.)
MEMBER FOR COMMERCE AND INDUSTRY (HON. A. HOPE-JONES)

Nominated Members:

DR. THE HON. J. F. ANDERSON, O.B.E. (Director of Medical Services)
HON. B. A. ASHLEY (Acting Director of Education)
HON. D. L. BAUNE, C.M.G.
HON. F. W. CARPENTER (Harbour Commissioner)
HON. M. H. COVAT
HON. E. N. GRIFFITH-JONES (Solicitor General)
DR. THE HON. S. D. KARVA, O.B.E.
HON. G. M. EDYE
HON. H. L. ADAMS (Secretary for Commerce and Industry)
HON. J. E. HUNTER (Commissioner for Local Government)
HON. CHIEF U. MUKINA
HON. I. OKWIRRY, M.B.E.
HON. E. J. PETRIE (Secretary to the Treasury)
HON. SIR EDOO PIRIMAI, O.B.E.
HON. J. L. RIDDOCH, O.B.E.
HON. G. M. RODDAN (Director of Agriculture)
HON. SHEIKH MOHAMED ALI SAID
HON. R. W. TAYLOR, C.M.G. (Director of Public Works)

European Elected Members

HON. M. BRUNDELL, Rift Valley
GROUP CAPT. THE HON. L. R. BRUGAS, Mount Kenya
HON. S. V. COOK, Coast
HON. W. E. CROSSWELL, Mau
LT.-COL. DR. HON. S. G. GHERSIE, O.B.E., Nairobi North
COL. THE HON. E. S. GORGAN, D.S.O., Nairobi West
HON. N. F. HARRIS, Nairobi South
HON. W. B. HAYLOCK, Kiambu
MAJOR THE HON. A. G. KEYSER, D.S.O., Trans Nzoua
HON. L. R. MACONCHIE-WELWOOD, Uasin Gishu
HON. LADY SHAW, Ukamba
HON. MRS. A. R. SIRAW, Nyanza
HON. H. STADE, Aberdare
HON. C. G. USHIE, M.C., Mombasa

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Asian Elected Members

Non-Muslim

Muslim

Central Area

East

HON. CHANAN SINGH

DR. THE HON. S. G. HASSAN

HON. C. B. MADAN

Eastern Area

West

HON. A. B. TATEL, C.M.G.

HON. ZAFRUD DEEN

Western Area

HON. L. S. PAUL

Arab Elected Member

HON. SHEIKH MAHMOOD S. MACKAWI

Representative Members

African

Arab

HON. W. W. W. AWANG

HON. SHEIKH ABDULAH SALIM

HON. M. T. ALI

HON. J. BURBANK

HON. F. W. MATHU

HON. B. A. OBISSA

HON. T. M. O. TOMBIA

Temporary Member

A. W. PETERS

Young African Clerk of the Council

H. THOMAS

Reports

MRS. P. HUBBARD



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

SECOND SESSION—FOURTH SITTING

Tuesday, 5th May, 1953

The Council met at Ten o'clock

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members: H. L. ADAMS, ZAFRUD DEEN, B. A. OHANGA, E. J. PETRIE, R. G. TURNBULL

PAPERS Laid

The following papers were laid on the Table:

Report on the Census of the Non-native Population of Kenya Colony and Protectorate taken on the night of 25th February, 1948.

Report of the East African Commissioner for the year, 1951.

Report by the Commissioner for Transport of Civil Aviation (Incorporating a Report of the East African Directorate of Civil Aviation) Annual Report, 1952.

East African Statistical Department Annual Report, 1952.

(By THE CHIEF SECRETARY)

Some Aspects of the Development of Kenya Government Services for the benefit of Africans from 1946 onwards.

Schedules of Additional Provisions No. 15 of 1950 and Nos. 11 and 12 of 1951.

Treasury Memorandum on the Report of the Public Accounts Committee on the Colony's Accounts for 1950. (By THE MEMBER FOR FINANCE AND DEVELOPMENT)

Report of the Committee on Young Persons and Children.

Protected Areas Ordinance, 1949 (No. 28 of 1949) Government Notices Nos. 818, 1189 and 1311.

(By THE MEMBER FOR EDUCATION AND LABOUR)

The African Courts (Fees and Fines) Rules, 1953.

(By THE MEMBER FOR AFRICAN AFFAIRS)

African Development in Kenya, 1946-1955—Land, Livestock and Water. (Progress Report issued by the Member for Agriculture and Natural Resources, November, 1952.)

(By THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

Sessional Paper on Embakasi Airport (By THE MEMBER FOR COMMERCE AND INDUSTRY)

NOTICES OF MOTION

EMERGENCY FOR THE STATE IN EMERGENCY

THE MEMBER FOR FINANCE: Mr. Speaker, I beg to give notice of the following Motion.

BE IT RESOLVED that a sum of £1,000,000 be allocated to meet expenditure arising from the State of Emergency.

Temporary Member.

ADOPTION OF SCHEDULES OF ADDITIONAL PROVISIONS.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to give notice of the following Motion:

BE IT RESOLVED that the following Schedules of Additional Provision be adopted:

No. 15 of 1950.

Nos. 11 and 12 of 1951.

DISPOSAL OF SIX "TIGER MOTH" AIRCRAFT

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, I beg to give notice of the following Motion:

WHEREAS in 1952 the Government purchased six "Tiger Moth" aircraft and a supply of spare parts therefor for the sum of £1,032 in anticipation of the introduction of a Flying Training Scheme;

AND WHEREAS the said Scheme was not, in the event, introduced owing to a decision by Her Majesty's Government in the United Kingdom not to proceed with the formation of a Royal Air Force Volunteer Reserve unit in Kenya, which was to have been an integral part of the Scheme;

AND WHEREAS the six "Tiger Moth" aircraft, which are suitable only for flying training purposes, are accordingly not required by the Government;

BE IT RESOLVED that this Council, in an encouragement to the training of amateur flyers in Kenya, approves the disposal of the aforesaid six "Tiger Moth" aircraft as a free gift to Flying Clubs in the Colony.

EMBUKASE AIRPORT

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to give notice of the following Motion:

First, that this Council approves, in principle, the proposals in connexion with the construction of an Airport at Embukase in the Sessional Paper.

EXEMPTION OF SERVICE AIRCRAFT FROM LANDING FEES.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to give notice of the following Motion:

Secondly, that whereas all service aircraft have been exempt, since 1st April, 1952, from the payment of landing fees under the regulations governing the use of Government Aerodromes in the Colony, published in Government Notice No. 356 of the 28th March, 1952; BE IT RESOLVED that the sum of £281 due from the Royal Air Force on account of fees for landings made prior to that date, be waived.

THE PENSIONS ORDINANCE, 1950

(No. 31 of 1950)

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to give notice of the following Motion:

BE IT RESOLVED that this Council in pursuance of the requirement imposed by the proviso to sub-section (3) of section 3 of the Pensions Ordinance, 1950, approves that the Pensions (Amendment) Regulations, 1953, shall have retrospective effect from the date on which the principal Regulations, which are contained in the First Schedule to the Ordinance, came into force, that is to say from the 1st day of January, 1946.

THE SPEAKER: Any other Notices of Motions?

ORAL ANSWERS TO QUESTIONS

QUESTION No. 69.

SIRIKIL MAILROAD.

Will Government state if it is aware of the extremely unsatisfactory condition of congestion of Arab and Swahili housing in Mombasa and if in view of the assurance given by Government that the recommendations of the Committee of Inquiry under the chairmanship of Sir Howard Elphinstone were being actively considered three years ago by a sub-committee of Executive Council, it is now possible to make a statement on the steps which will be taken to remedy the situation?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Yes, Sir. The Government has acquired 136 acres of land at Changamwe which has been taken over by the Mombasa Municipal Board for a housing estate. The first stage of the development will be a

[The Member for Health, Lands and Local Government] tenant purchase scheme for which Government has made a loan of £10,000 to the Board.

A detailed layout for the area has been prepared by the Town Planning Adviser and this was discussed with representatives of the Board in Mombasa early in April and now awaits final approval by the Municipal Board itself.

A further scheme for general housing including Arabs and Swahilis estimated to cost £57,000 has been prepared for the Port Tudor Estate. This will consist of 2-storey Swahili type dwellings and 3-storey blocks of flats. Money for this scheme has already been paid to the Board from the Housing Fund and construction is about to commence.

QUESTION No. 93

THE SPEAKER: If Mr. Tameno is not here, we will call the question afterwards.

QUESTION No. 97

MR. E. W. MATHU (African Representative):

(1) Will the Member for Health, Lands and Local Government state who were responsible for allowing Africans to erect the shanties in the Mathari area in Nairobi, the demolition of which on Sunday, 19th April, 1953, made some 7,000 Africans homeless?

(2) Are any steps being taken to avoid any future growth of shanty towns within and without the City area?

(3) Will the persons summarily evicted from Mathari and similar places be able to claim compensation either from the landowner or from any public body?

(4) What action is being taken by the Member or by any local authority under his direction to re-house the evicted persons?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: (1) The shanties in question were erected illegally on privately owned land. When their existence had been reported, the decision whether to demolish or to allow them to stand until better accommodation could

be offered rested with the Nairobi City Council.

(2) The answer is yes.

(3) The answer is no.

(4) The City Council is providing an area where Africans can erect low-standard housing under proper supervision. Work on the provision of essential services and the marking out of plots has been speeded up in view of the recent demolitions and the first plots will be ready by the end of May, an advance of several months on the original programme.

MR. MATHU: Mr. Speaker, arising out of the answers to Part (1) and Part (2) of the question, will the hon. Member say how these private landowners could get away with it after misleading Africans to put up houses in areas where they know they are not entitled to do that.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, this kind of thing has been going on quite frequently. These shanties spring up overnight. The authorities cannot be aware of everything that goes on in the City speedily—

MR. MATHU: Question!

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The City Council has not an army of hundreds of inspectors going about in every nook and corner of this very large City and these shanty towns, as I have said, spring up overnight. When they are brought to the notice of the authorities, suitable action is taken. In this case the demolition was authorized by an Emergency Regulation. The arrangement between the person who builds the huts and the landowner on whose land he builds it, is entirely their own affair and it is impossible for the authority to control such private arrangements, but by the action that has been taken, Africans who are disposed to build these shanties in places where they are not legally entitled to do so, will, I trust, have learned a lesson and will avoid breaking the law in that way in future.

MR. HARRIS (Nairobi South): Arising out of the hon. Member's initial reply, the first part, will he state whether he is aware that

(Mr. Harris)

Government brought considerable influence to bear on the City Council to influence their decision in 1950 as to whether these houses should be demolished or not?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I am not aware of that, I was not in office at that period, I have no knowledge of it.

MR. COOKE (Coast): In view of the shocking conditions disclosed by the shanty towns, will Government now admit that slum conditions are the approximate, if not the real cause, of the terrorism now sweeping this country?

THE SPEAKER: I hardly think that this is supplementary to this question.

THE MEMBER FOR FINANCE AND DEVELOPMENT: As I was Member for Local Government in the period referred to by the hon. Member for Nairobi South, I would say that I am unaware of any Government pressure having been brought in this connexion.

MR. HARRIS: Will the hon. Member for Finance state whether he has investigated this with the Chief Native Commissioners as it happened to be Masai at the City at that time?

THE MEMBER FOR FINANCE AND DEVELOPMENT: No, I said I was unaware of it.

MR. MATHU: Arising out of the reply to my supplementary question, with regard to private landowners, could the hon. Member say that as a result of the demolition of Mathari and the other shanties, that the landowners will also learn a lesson not to permit Africans to act illegally in matters of this kind? (Hear, hear.)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I trust they will.

MR. COOKE: Can we also have an assurance that Government will also learn a lesson from this, too? (Laughter.)

QUESTION No. 93

MR. MATHU: In the absence of my hon. friend, Question No. 93.

MR. TAMENO:

Will the Member for Health, Lands and Local Government state whether the land occupied by the Magadi Soda Company is Crown land? If the answer is in the affirmative, will he state how this has arisen having regard to the 1904 and 1911 Masai Agreements?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: The answer to the first part of the question is in the affirmative.

Dealing with the second point: although Lake Magadi is within the boundaries of the area reserved for the use of the Masai tribe by the 1904 and the 1911 Agreements, the latter Agreement excepted such land as may be required for mining purposes. As the original lease of Lake Magadi for mining purposes dated from 1904, it was automatically excluded and had, in fact, never been included in the Masai Native Reserve.

The Schedule to the Proclamation of the Masai Reserve, dated 23rd July, 1912, after describing in detail the outer boundaries, expressly excluded Lake Magadi and the land immediately surrounding it. The description of the Masai Land Unit contained in the Native Lands Trust Ordinance again expressly excludes the Lake Magadi and the Lake Natron Concessions.

QUESTION No. 94

MR. TAMENO:

Will the Member for Commerce and Industry state whether the Esageri dry acid factory pay royalties to the Baringo African District Council? If not, why not?

THE SECRETARY FOR COMMERCE AND INDUSTRY: The Carbacid Manufacturing Company, Limited, which operates the Esageri boreholes, does not pay royalties to the Baringo African District Council but to Government, because carbon dioxide is a mineral reserved to the Crown under the Mining Ordinance.

QUESTION No. 96

MR. TAMENO:

Having regard to the high incidence of venereal disease in the Masai

(Mr. Tameno)

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT take steps to establish a special organization to work on a large scale to combat the disease throughout the district immediately?

THE DIRECTOR OF MEDICAL SERVICES: The Government does not intend to set up immediately a special organization on a large scale to combat venereal disease in the Masai district for the following reasons:—

(1) Following a survey of venereal disease which was conducted by the Medical Department in 1950, greatly increased facilities for the treatment of venereal disease have been made available in the hospitals and dispensaries in the Masai district, and by means of treatment *safaris* to the more remote places, conducted by a medical officer. The Masai tribe have assisted by providing funds for the purchase of additional penicillin.

(2) An organization capable of carrying out mass treatment of venereal disease in the Masai district would be a costly undertaking which is beyond the resources of the Medical Department at the present time. Moreover, due regard must be paid to the fact that the incidence of venereal disease is very high amongst certain other tribes in Kenya.

(3) It is doubtful whether the mass treatment of venereal disease in the Masai tribe would have anything more than a temporary effect upon the incidence of the disease unless and until the Masai themselves effect a fundamental change in their personal habits.

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move that under Standing Order No. 168, Standing Orders Nos. 91 and 94 be suspended to the extent necessary to enable the Local Government (Eldoret European Hospital Rate) Bill, the Local Government (District Council) Bill and the Sugar (Amendment) Bill to be read a First Time to-day.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

MR. HAVELOCK (Kiambu): Hon. Members on this side of the Council will once again show their reasonable attitude and accept the Motion which all Members will realize we accept with great distaste. We dislike the continual suspension of Standing Orders for bringing forward Bills of this kind. It has been a long time since the last session of this Council and there has been plenty of time for notice of these Bills to be given and printed. We know the difficulties Government are in, especially as far as the Government Press is concerned, the very great amount of regulations that have to be printed, and so on, but I want to say once again most strongly that this should not go on. It is a practice we deprecate most strongly on this side of the Council and I do not think our generosity can be traded upon very much longer.

THE SPEAKER: I will ask the hon. Member to reply if he wishes to do so.

THE CHIEF SECRETARY: I am grateful for the leniency of Unofficial Members opposite on this occasion.

Question proposed.

MAJOR KEYSER (Trans Nzoia): Mr. Speaker, may I raise a point of order? I understood the hon. Member excluded the Crown Lands (Amendment) Bill, but you read it in proposing the question.

THE SPEAKER: I have only read what I have got on the Order Paper, the Crown Lands (Amendment) Bill—(two Local Government Bills and the Sugar (Amendment) Bill.

THE CHIEF SECRETARY: I must apologize for not having brought to your notice that this morning I begged leave to withdraw from the Order Paper the Crown Lands (Amendment) Bill which was put there, with a view to further discussion.

The question was put and carried.

BILLS

FIRST READING

The Customs Tariff (Amendment) Bill—(The Member for Finance and Development)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Friday.

The Patents (Registration) (Amendment) Bill—(The Member for Commerce and Industry)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Local Government (County Councils) (Amendment) Bill—(The Commissioner for Local Government)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Development and Reconstruction Loan Bill—(The Member for Finance and Development)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Friday.

The East African Industrial Licensing Bill—(The Member for Commerce and Industry)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Municipalities (Amendment) Bill—(The Commissioner for Local Government)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Medical Practitioners and Dentists (Amendment) Bill—(The Director of Medical Services)—Order for First Reading read—Read a First Time and ordered to be read a second time on Wednesday.

The African Housing Bill—(The Member for Health, Lands and Local Government)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Local Government (Eldoret European Hospital Rate) (Amendment) Bill—(The Commissioner for Local Government)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Local Government (District Councils) (Amendment) Bill—(The Commissioner for Local Government)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

The Sugar (Amendment) Bill—(The Member for Agriculture and Natural Resources)—Order for First Reading read—Read a First Time and ordered to be read a Second Time on Wednesday.

THE SPEAKER: You are not calling 19? Order 19 is not to be called.

ADJOURNMENT

That concludes the business on the Order Paper and Council will stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at thirty minutes past Ten o'clock a.m.

Wednesday, 6th May, 1953

The Council met at Thirty minutes past Nine o'clock.

(Mr. Speaker in the Chair)

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—

Emergency Expenditure Fund. Statement of Authorized and Actual Expenditure.

A Report by the Director of Audit and the Secretary of the Treasury to Kenya on the Control of Public Expenditure.

(BY THE MEMBER FOR FINANCE AND DEVELOPMENT)

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, in laying this, Sir, with your permission I would like to point out to hon. Members that there is as yet no expression of Government decision upon this report. A Sessional Paper will be prepared and laid before Legislative Council for the next sitting of the Council. The paper is laid at this stage because it is an important and complicated paper on the Control of Public Expenditure and Government feels it wise that hon. Members should have a long time to consider it.

Financial Statements for 1951 and Report thereon by the Acting Director of Audit, East African High Commission Services.

East African Revenue Advisory Board Report on the East African Income Tax (Management) Act, 1952.

East African Meteorological Department Annual Report, 1952.

Mombasa Committee of Inquiry, General Manager's Comments.

Report of the Committee of Inquiry appointed consequent upon a Resolution dated 24th April, 1952, of the East Africa Central Legislative Assembly.

East African Interterritorial Leprosy Specialist Annual Report, 1952.

East African Agriculture and Forestry Research Organization, Annual Report, 1952.

(BY THE CHIEF SECRETARY)

Medical Department Annual Report, 1951.

(BY THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT)

Inquiry into the General Economy of Farming in the Highlands having regard to Capital Invested and long- and short-term Financial Commitments, whether secured or unsecured; excluding Farming Enterprises solely concerned with the Production of Sisal, Wattle, Tea and Coffee. Report.

(BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES)

Annual Report Transport Licensing Board, 1952.

Sessional Paper on Civil Aviation: Expenditure on Ground Services.

(BY THE MEMBER FOR COMMERCE AND INDUSTRY)

NOTICE OF MOTION

MASS MOVEMENT OF KIKUYU

MR. COOKE: I beg to give notice of the following Motion that: "This Council requests Government to inquire into the responsibility for (the mass movement, both compulsory and voluntary, of the Kikuyu from the European areas to the African areas".

ORAL ANSWERS TO QUESTIONS

QUESTION No. 80

MR. GIKUNYO (African Representative):

In view of the difficulties experienced by many African parents in paying school fees and poll tax at the same time in January, will the Member for Finance consider making arrangements whereby these two payments could be made at different times or by instalments?

THE MEMBER FOR FINANCE AND DEVELOPMENT: The Government cannot agree that present arrangements for payment of school fees and poll tax are causing abnormal difficulties to parents. No amendments to the African Poll Tax Ordinance can be contemplated owing to the aggravation of administrative difficulties which would result from a change in the due date of payment. So far as school

[The Member for Finance and Development]

fees are concerned experience has clearly indicated that insistence on the payment of a year's fees in one sum in advance helps to ensure regular attendance throughout the school year. Both the much-publicized Report of the Binns Group on Educational Policy and Practice in East and Central Africa, and the Beecher Report on African Education in Kenya lay great stress on this problem.

MR. MATIU: Arising out of the last part of the reply, could the hon. Member say what difficulty there would be if the parents are asked to pay fees on the first of March of each year instead of fees and poll tax altogether in January.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, the reply will be rather a long one, because the hon. Members are now asking for details. The payment of secondary school fees is usually spread out over the academic year although an initial payment of Sh. 100 is expected at the beginning of the year. In cases of hardship principals may use their discretion to allow pupils time in which to make this payment. Furthermore, a large number of pupils in secondary schools receive direct assistance by way of bursaries.

As regards primary and intermediate schools, fees are normally due at the beginning of the year. In most districts the fees charged are Sh. 15 per annum for primary schools and Sh. 45 per annum for intermediate schools. The method of payment is at the discretion of the District Education Boards but the Education Department has always encouraged the adoption of the principle of payment in one sum. This system is specially designed to minimise falling off in attendance at school during the latter part of the year. The problem of "wastage" is very serious indeed. Hon. Members would be interested to read the contents of the report of the Binns Group on Educational Policy and Practice in East and Central Africa.

In some districts there is a system by which parents can deposit money in advance against the payment of school fees and the Government encourages this procedure. Again, in some districts

district commissioners allow extra time for the payment of poll tax on the production of a receipt for school fees. These, and other administrative arrangements including the general rule whereby no prosecutions are initiated before April or May, indicate that no serious pressure is brought to bear for payment of school fees and poll tax at the beginning of the year, and I regret, Sir, that at present when staff is short and there are administrative difficulties, I could not agree to any alterations.

MR. COOKE: Is it in order to read out from a manuscript the answer to a supplementary question.

THE SPEAKER: How is it out of order?

MR. COOKE: Well, because the aim and object of a supplementary question is to catch the hon. gentleman out. (Cries of "Shame!") My hon. friend obviously had a guilty conscience because he understood what the supplementary question would be and had an answer there.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of explanation, I have no guilty conscience. Surely for once the Member for the Coast will give me credit for having the foresight to see the supplementary question that was obviously going to be asked.

THE SPEAKER: On your point of order I see nothing out of order in a Member who is bound to answer questions and to answer supplementary questions, coming well prepared. (Hear, hear.) In fact I watched this in the House of Commons from the Dominion Gallery which is right up above the Ministerial Benches and you can see every Minister armed with any amount of paper.

QUESTION No. 82

MR. GIKONYO:

In view of the fact that many African leaders are at present detained in the detention camps as a result of Emergency or are in prisons, will the Government please give an assurance that facilities will be afforded those that may desire to submit memoranda or give oral evidence to the Royal Commission when it arrives?

THE CHIEF SECRETARY: The Government is not prepared to accept the implications of the term "African leaders" which appears in the question.

[The Chief Secretary]

Reasonable facilities will be afforded to any detainee or prisoner to submit to the Royal Commission a memorandum on matters which fall within the Commission's terms of reference.

As regards oral evidence the hon. Member will no doubt be aware that in respect of all persons it will be entirely a matter for the Royal Commission to decide whether it wishes to take oral evidence in amplification of any views which have been expressed in writing. Detainees will be allowed to appear in person before the Commission if specifically invited by the Commission to do so, subject to adequate safeguards. Prisoners will not be permitted to give oral evidence unless it is considered essential that they should do so by the Royal Commission and by the Prison Authorities. The initiative in asking that a prisoner should appear in person will rest with the Commission after consideration of the written evidence submitted by him, the crime for which he was convicted, and the views of the Prison Authorities as to the advisability of permitting the prisoner to give oral evidence.

QUESTION No. 98

MR. COOKE:

Will the Member for Agriculture and Natural Resources state what is the position with regard to maize in Kenya with special reference to what stocks are in hand?

Will it be necessary to import maize and if so why sufficient stocks were not retained in this country?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: On 15th April the Control had 615,000 bags of maize in stock, excluding stocks held by the trade estimated at approximately another 100,000 sacks. In addition 34,000 bags have been supplied to Uganda, and a further 119,270 bags have been despatched to Tanganyika on a replacement basis to meet an emergency food shortage in that territory. This replacement will make the total 734,000 bags. This quantity will meet Kenya's requirements, including those of the Seychelles and Zanzibar, the Railways, the Military and famine relief, for the period May to mid-September inclusive. Famine relief provision, which has been allowed for at 50,000 bags a

month is not so far being drawn upon at anything approaching this level and it is probable that by the end of the crop season, the 31st July, there will be sufficient savings to meet consumption to mid-October without relying on new crop.

547,000 bags of maize were carried over on the 1st August, 1952, from the last crop season, this being 297,000 bags over and above the normal stipulated reserve that used to be laid down for the East African Cereals Pool of 250,000 bags. Such a large quantity of old crop maize could not have been retained in East Africa without frequent and costly reconditioning and losses at the expense of the consumer. 242,400 bags were therefore exported in the latter half of 1952, but 300,000 bags of the carry over were retained as, due to locust threats and other circumstances, I considered it prudent to increase our normal reserve for 1952/53 by 50,000 bags. It will thus be noted that unusually large stocks were in fact retained in the country last year.

In order to anticipate the possibility of an abnormally late or of a short 1953 crop tentative arrangements have been made with Uganda to supply Kenya with up to 10,000 tons for October and November consumption. At the moment it appears improbable that any importations of maize into Kenya from outside East Africa will be necessary this year, beyond of course Tanganyika's replacement.

MR. COOKE: The answer, I think, is very satisfactory. Does it not emphasize the need for having grain silos in this country as soon as possible, where maize can be properly stored?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, it would help very much if we had silos, Sir, I admit that.

QUESTION No. 99

MR. COOKE:

(1) Will the Member for Finance and Development state if the sum of money allocated to construction of "D" route to Bamburi has been diverted to some other purpose?

(2) If the answer is in the affirmative will the Government see that it is immediately restored so that this essential work may be put in hand?

[Mr. Cooke]

(3) If the answer is in the negative will the Government state when the work will be begun?

THE MEMBER FOR FINANCE AND DEVELOPMENT:

(1) No, Sir.

(2) Does not arise.

(3) Arrangements have been made for the Municipal Board of Mombasa to undertake the construction of the road on behalf of the Road Authority. Detailed plans and specifications are now being prepared by the Public Works Department and will be ready this week. The Municipal Board will start work without delay on receipt of the detailed plans and specifications.

QUESTION No. 100

MR. COOKE:

Will the Chief Secretary state whether Government intend to establish a settlement of Kikuyu in the Shimba Hills near Mombasa?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A scheme has been and is being developed in a part of the Shimba Hills for settlement of Africans of any tribe, a measure of priority being accorded to the Wateta. Up to now the Wateta have not displayed much interest. Government is prepared to offer plots in this area to a very limited number of Kikuyu of proven loyalty who may be in danger of their lives in their own land unit because of their anti-Mau Mau activities or because of their having been called as witnesses for the Crown in Mau Mau cases. This specific and exceptional offer to certain individuals would not apply to ordinary Kikuyu families who, having been screened and photographed, desire to find employment outside their native land unit. It will therefore be clear that Government has no intention of establishing any permanent settlement of Kikuyu in the Shimba Hills in the accepted sense of the term "settlement".

MR. COOKE: Arising out of that answer, is the hon. Gentleman aware of very considerable opposition locally to establishing Kikuyu in the Shimba Hills? Will he not consider giving the Wakamba who have every right, more right than the Kikuyu, second priority after the Wateta?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Government will not commit itself to giving anybody second priority. I have explained, the idea is for persons of any tribe, the Wateta having a measure of priority. Government is quite convinced it owes a duty, or might owe as a duty to certain persons who might have endangered their lives, to keep them in safety.

MR. COOKE: Are there not other areas such as Tana River Valley, where Kikuyu could be settled?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I submit that could hardly be a reward to people who have served Government at the risk of their lives.

MR. MATHU: Arising from the original answer, could the hon. Member tell us what propaganda has been done among loyal Kikuyu to go to the Shimba Hills?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I understand District Officers are well aware of this, in fact, I know that they are. That is the measure of propaganda which has so far taken place. I do not think it is a subject you want propaganda on.

MR. COOKE: I am relieved that Government is so anxious about loyal Kikuyu. Is the hon. Member aware that Tana River Valley is a healthy country, as far as Kikuyu are concerned, they are already there. There is a settlement of Kikuyu who have been there 40-50 years.

MR. BLUNDELL (Rift Valley): Further to that supplementary question, will the hon. Member consider using Tana River settlement as a penal settlement for disloyal Kikuyu?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I do not think that is for the consideration of Government.

THE SPEAKER: The Clerk will call the next item on the Order Paper.

MOTION

CONSENT OF HIS EXCELLENCY THE GOVERNOR

THE MEMBER FOR FINANCE AND DEVELOPMENT: With your permission, I beg to signify the consent of His Excellency the Governor has been obtained

[The Member for Finance and Development]

for introducing all financial resolutions on the Order Paper.

SIX "TIGER MOTH" AIRCRAFT

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, Sir, the wording of this Motion is so comprehensive, there are very few points that require amplification. I should, however, wish to explain the events which led up to purchase of these aircraft and the circumstances in which the Government proposes to dispose of them as a free gift. The aircraft were intended for a flying training scheme which it was hoped would be introduced early last year—or rather in the middle of last year. The scheme had been worked out in consultation with the Air Officer Commanding and the Air Ministry and if it had come to fruition, it would have enabled flying training at various levels to be undertaken by the Aero Club under the direction of the Air Officer Commanding and subsequently the establishment of a unit of the Royal Air Force Volunteer Reserve. Discussion proceeded favourably, and there was reason to believe in the middle of 1952 that the scheme would be accepted. At that time a number of aircraft became available in Rhodesia at a very favourable price, and we took the chance of buying them. The aircraft cost £82 each and a further £90 was spent in bringing them up here, and in purchasing spares, but I am afraid this little epic of initiative and forethought had a sad end because shortly after we bought the aircraft, the Air Ministry announced that they had been unable to proceed with this scheme, we were therefore left with the aircraft on our hands, because the scheme had to be dropped.

Now, I hope it will not extinguish all the virtues in this gift, if I say that we then did try to dispose of the aircraft, but first of all, they were obsolete machines not now in production. One cannot buy spares so they were of no interest to commercial concerns. We suggested that they should be used by the Kenya Police Air Wing, but owing to their small load-carrying capacity, short range, and again their obsolete make, it was found that they would be no use to the Air Wing. It sounds very ungracious

Sir, but under these circumstances we offered them to the Aero Club as a free gift.

In conclusion, I would like to say we wish them long and profitable use.

MR. BRUNDELL: Will they go off the ground?

THE MEMBER FOR EDUCATION AND LABOUR: Yes, they will. All but one are airworthy. I think it is an axiom in human life that it is six to five against.

THE CHIEF SECRETARY seconded.

Question proposed.

GROUP-CAPT. BRIGGS (Mount Kenya): Mr. Speaker, Sir, I strongly support this Motion, I think it a gesture which will be very much appreciated by the Aero Club. I think perhaps it would not be out of place to pay a tribute to the Members of that Aero Club who are now serving in the Kenya Police Reserve Air Wing with so much distinction and who are doing so much hard work. I think these aircraft will be extremely useful to the Aero Club and will help to produce a pool of pilots who can be called on when required. I rather regret the decision, nevertheless, that the Air Ministry have decided not to proceed with the scheme of setting up a voluntary reserve squadron in this country. I hope, perhaps Government may reconsider the matter and make a fresh approach with the view to forming an auxiliary squadron. An auxiliary squadron is an entirely different set up to the Volunteer Reserve, because the Volunteer Reserve is a general reserve and the Members can be sent anywhere, they do not comprise a complete unit, whereas an auxiliary squadron is a complete fighting unit with a very small number of regular personnel and can go into the field at any time; in fact, in the Battle of Britain, the Auxiliary Air Force squadrons took a leading part.

So I hope, Sir, Government will reconsider the question. Such a squadron at the present time would have been invaluable; one never knows, perhaps, even more valuable in the future.

MR. SPEAKER, Sir, before I sit down, there is one thing I would like to say, I would like to congratulate the hon. Member for Defence on his excellent maiden speech. (Applause.)

THE SPEAKER: If there is no other Member wishing to speak, I will ask the hon. Member to reply.

THE MEMBER FOR EDUCATION AND LABOUR: There is only one thing—the hon. Member for Mount Kenya Government is most anxious that there should be some kind of auxiliary air unit in the Colony. The reason the air scheme in 1948, under the aegis of the Aero Club, fell through was that we had no organization to which trained pilots could be drafted. It meant that a large part of the time and money spent on training them was wasted. But we are pursuing that and we hope to find a solution.

Question proposed.

Question was put and carried.

EXEMPTION OF SERVICE AIRCRAFT FROM LANDING FEES

THE SPEAKER: This should really be taken in Committee of Ways and Means, should it not?

THE MEMBER FOR FINANCE AND DEVELOPMENT: It is indeed a write off of revenue, Sir.

THE SPEAKER: I think we should go into Committee of Ways and Means.

COMMITTEE OF WAYS AND MEANS

IN THE COMMITTEE

(Mr. W. K. Horne in the Chair)

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that:

WHEREAS all service aircraft have been exempt, since 1st April, 1952, from the payment of landing fees under the regulations governing the use of Government aerodromes in the Colony, published in Government Notice No. 336 of 28th March, 1952:

BE IT RESOLVED that the sum of £281 due from the Royal Air Force on account of fees for landings made prior to that date be waived.

Sir, there has been discussion concerning payment of landing fees by aircraft of the Royal Air Force between the Air

Ministry and the East African Governments since 1949, and progressively it has been the policy to exempt those aircraft from payment of landing fees. In August, 1950, arrangements were made to exempt Royal Air Force aircraft used on aerial survey of the Colony from paying landing fees and on 1st June, 1951, exemption was given to all Royal Air Force aircraft in regard to East African aerodromes. I am sorry, I should correct that statement: On 1st June, 1951, exemption was given to all Royal Air Force aircraft stationed in East Africa. In 1952, as from 1st April, all Royal Air Force aircraft were exempt.

The position is then, therefore, that no landing fees have been paid since 1st April, 1952. The Royal Air Force have asked that the payment of fees should be waived for the previous period during which the negotiations were being carried on, and we are now seeking the authority of this Committee to waive payment of fees to the extent of £281. These are in respect of the period from May, 1951, to 31st March, 1952. If the Committee is agreeable to this course, there is also a request from the Royal Air Force for the refund of the sum of £232 covering previous payments made, and the Government would be prepared to agree to this.

The policy is agreed by the other East African Governments and it is merely the present request is merely designed to clear up the outstanding position.

Sir, I beg to move.

Question proposed.

The question was put and carried.

THE CHAIRMAN: Will you move that we report the Resolution back to Council.

THE SECRETARY FOR COMMERCE AND INDUSTRY: I beg to move that Committee do now report to the Council. Council resumed.

(Mr. Speaker in the Chair)

REPORT OF COMMITTEE OF WAYS AND MEANS

THE SPEAKER: As Chairman, I have to report that Committee have considered this Resolution and passed same without any amendment.

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

THE SECRETARY FOR COMMERCE AND INDUSTRY seconded.

Question proposed.

The question that Council doth agree with the Committee in the said Resolution was put and carried.

PENSIONS ORDINANCE, 1950—PROVISO TO SUB-SECTION 3 OF SECTION 3

THE SPEAKER: This Motion too, on consideration, I think—will there be a separate estimate for the actual money afterwards?

THE MEMBER FOR FINANCE AND DEVELOPMENT: I think, Sir, we will have to submit a detailed estimate at a later date. I would like, therefore, to suggest we take this approval in principle in Council and take the actual supply estimate in Committee at a later date.

THE SPEAKER: That is what I thought would be the arrangement, therefore we will take this in Council and get done with it.

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move:

BE IT RESOLVED that this Council in pursuance of the requirement imposed by the proviso to sub-section (3) of section 3 of the Pensions Ordinance, 1950, approves that the Pensions (Amendment) Regulations, 1953, shall have retrospective effect from the date on which the principal Regulations, which are contained in the First Schedule to the Ordinance, came into force, that is to say from the 1st day of January, 1946.

Sir, section 3 of the Pensions Ordinance confers powers on the Governor in Council to make Regulations amending the Regulations which form the Schedule to the principal Ordinance. These Regulations, Sir, made, must be laid in Legislative Council and gazetted. If, however, the Regulations proposed by the Governor in Council involve retrospective effect, it is necessary that there be prior approval of this Council. The Resolution before us is to obtain that prior approval.

The Regulations which have been made by the Governor in Council provide for

the deletion of certain words and the insertion of other words which involve the change of the date of retirement which will be used as the maximum limit for purposes of assessing the pension which arises on abolition of office. The principal Regulations provide that when an office is abolished and the officer retired, he may receive an additional pension amounting to 1/60th of pensionable emoluments for each three years of service. But there is an overall limit that the additional pension may not exceed 10/60ths, and there is a further limit that the basic pension, together with the additional pension should not exceed the amount of pension which would have been received by the officer had he been allowed to proceed to the ordinary date of retirement. That date of retirement, as it stands in the law, is 45. It is directly related to the legislation allowing compulsory or voluntary retirement at the age of 45, but, Sir, officers who are retired on abolition of office are not compulsorily retired and they suffer a considerable handicap by reason of this limit of 45 years. It boils down to this, that any man retiring after the age of 40 does not get the full benefit intended by law. Any one who retires before 40 does get that benefit.

These regulations will provide that where an officer retires because of abolition of office, his pension will be calculated in the straightforward way and subject to the new maximum.

Sir, I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

(Sir Charles Mortimer, C.B.E. in the Chair)

SCHEDULES OF ADDITIONAL PROVISION

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that a sum not exceeding £6,921 be granted to the Governor on account, for or towards defraying the charges set

[The Member for Finance and Development] out in the Schedules of Additional Provisions No. 15 of 1950.

I think, Sir, this Committee has agreed that these Motions are merely formal. They indeed now represent the winding up of the old type of financial procedure in this Council and the Schedule that I am now moving, No. 15 of 1950, is the conclusion of 1950 procedure, so that the Committee will see how rapidly we are now moving up to date.

Question proposed.

Question put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that a sum not exceeding £52,807 be granted to the Governor on account, for or towards defraying the charges set out in Schedule of Additional Provisions Nos. 11 and 12 of 1951.

Although I cannot say this is the completion of the 1951 operation, I can say that it is very near completion of that particular period.

Question proposed.

Question put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee having agreed with the said Resolution doth report to the full Council its agreement therewith.

Question put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT OF COMMITTEE OF SUPPLY

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I beg to report that the Committee of Supply has expressed its approval with the following Motions:—

No. 1. That a sum not exceeding £6,921 be granted to the Governor on account, for or towards defraying the charges set out in Schedules of Additional Provision No. 15 of 1950.

No. 2. That a sum not exceeding £52,807 be granted to the Governor on account, for or towards defraying the charges set out in Schedules of Additional Provision Nos. 11 and 12 of 1951.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

Question put and carried.

BILLS

SECOND READING

The Local Government (County Councils) Ordinance, 1952

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, the Commissioner for Local Government, Mr. Hunter, is proposing the Second Reading.

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Local Government (County Councils) Amendment Bill be now read a Second Time.

For 25 years we have had an arrangement for reciprocal liaison between the district councils and municipal councils or boards whose areas—or whose municipalities have been contained geographically in those districts. One member for the district council sits on the municipal council or board; one member of the municipal council or board sits on the district council. The arrangement has worked very well indeed and now that Nairobi District Council has assumed county council status, they have shown a desire to extend the arrangement so that they will have two members on Nairobi County Council and that Nairobi City Council shall have two members on the new County Council.

This Bill is in general terms so that any other county council can take advantage of it if the circumstances are appropriate and it affects one half of the new arrangement.

I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, just asking for information—there seems to be an inconsistency between this and the Bill which we shall discuss later, in that in this Bill it would appear that the reciprocal council has the right of election of its liaison representatives, whereas it would appear that in the amendment

[Mr. Harris] of the Municipality Ordinance which we will deal with later there is nomination by the Member. I wonder whether the hon. Commissioner could explain that in his reply.

MR. CHANAN SINGH (Central Area): Mr. Speaker, I am opposed to this amendment. The reason is this—that the various groups have been granted fixed representation on those bodies. This amendment may have the effect of disturbing the relative proportions of the various groups.

THE SPEAKER: If there is no other Member wishing to continue the debate, I will ask the hon. Mover to reply.

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Speaker, Sir, of all the powers vested in my hon. friend, I think this power of nominating a city councillor to sit on Nairobi City Council is one with which he would part with least regret. I have no hesitation in saying that at the appropriate stage an amendment of that sort would be accepted by the Government.

With regard to the other question, Sir, this is a representative of the municipal council or municipal board. There is nothing to say whom he shall be at all.

The question that the Local Government (County Councils) (Amendment) Bill be read a Second Time was put and carried. Ordered to be read a Second Time and committed to a Committee of the whole Council.

THE SPEAKER: I would like to call attention to the Standing Orders and the general principle as I understand it is that one stage of the Bill only should be taken on one day. If you take the Second Reading on one day, you should not take the Committee stage until the following day. Our Standing Orders may be open to misconception—but No. 98, certainly, the Second Reading is always taken on a different day to the First Reading. That seems to be always the case, so Standing Order No. 98 says "On the Order of the Day being read for going into Committee on a Bill. . . ." Now you cannot, strictly speaking, get this Committee stage on the Order Paper until the Council itself has ordered it to be put there, and it should always follow on the following day, but if you are

prepared to waive that and not to cite this against me afterwards, I am prepared to go on in the same way as it says in the Order Paper. But I must put my word in and say that I do not agree with the procedure.

MR. BLUNDELL: I think we would accept that on one condition, that we should refer the whole matter to the Sessional Committee. Otherwise, we may have got ourselves prejudiced by accepting your intention this morning.

THE SPEAKER: I have no objection to discussing it in Sessional Committee. Until Standing Orders make it definitely clear, I shall adhere to my ruling, if it comes to a pinch, but I do not want to unduly embarrass any of you at the present time.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Might I make a suggestion? Perhaps we could go through the whole of the Second Readings to a certain stage and then move to the Committee stage if time allows.

THE SPEAKER: That would be more agreeable to me, and would be, in my view, consistent with the proper parliamentary practice. Therefore I will ask the Clerk to call Order No. 11.

The Municipalities (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Municipalities Amendment Bill be now read a Second Time.

This Bill contains a number of rather disconnected amendments to the Municipalities Ordinance and I am afraid I will have to take them clause by clause.

Clause 2, provides for the second half of the arrangement which I explained to you a few minutes ago. It also provides for the addition of one African Member to Nairobi City Council and that is for the reason that the business of that Council has grown so much since the two African Members were appointed; that the burden upon those two members, of committee work as well as council work, is extremely heavy and it is thought that it ought to be spread out and a third member appointed.

Clause 3 provides for the possibility of municipal councils or municipal boards meeting rather less frequently than once

[The Commissioner for Local Government]. They are required to meet once a month and it means that even if they want a month-of-recess, they cannot have it and it means that the smallest board that we have must meet 12 times a year. We propose that that statutory requirement shall be once in three months and then as many additional meetings as are necessary can be held.

Clause 4 brings to the municipalities a relaxation which you gave—the previous Council gave—to county councils at the last session. A contract, the value of which is less than £500 need not be advertised for tenders.

Clause 5, Sir, is the most important provision in this. During the past two years, possibly unnoticed, we have multiplied by four the number of professionally qualified chief officers in the service of local authorities in this country and one of the reasons why it has been possible for this to be done is because they have found it possible to arrange through Nairobi City Council to bring with them the benefit of years of contributory service which they have spent in the United Kingdom. This has been done under sub-section 3 of Section 42 (n) as it now stands, but that sub-section can only be applied to municipalities. The proposed new sub-section will enable admission agreements to be arranged not only with municipalities but with county councils and district councils, and also, if their own Legislatures will give them authority to do so, with other local government bodies in other East African territories. I think I ought to say at this stage that there was never any obligation on Nairobi City Council to do anything of this kind. It can only have a certain amount of nuisance value to the Council, but it is of immense benefit to Local Government in the Colony as a whole. I am very glad to have an opportunity of paying tribute to the public spirit of the City Council and its officers in this and many other ways in which they have assisted local government in this Colony as a whole. (Hear, hear.)

Clause 6 is intended to facilitate the collection of the cost of demolishing insanitary or dilapidated buildings. Section 60 of the Ordinance, authorizes—empowers a Local Government Authority to

do that. Occasionally they do it, then they find they cannot get the owner of the building—get the name or address of the owner of the building and obtain from him the cost of the work. This sub-section requires the landlord if he knows who the owner of the building is—he ought to give that information to the local authority.

Clause 7 is another clause which will assist local authorities to recover bad debts by declining to supply water—electricity does not arise at the moment—by declining to supply water to premises occupied by a man who owes water charges at other premises.

Clause 8 is a provision enabling grants to be paid upon the full cost of employing a chief officer. It has always been our intention to pay a grant on the full cost to local authorities, but the word used is "emoluments" and the contribution made by local authority to a man's pension fund is not regarded to be an emolument of that officer. This clause will put that matter right.

Clause 9 is another important advance mainly required at the moment by Nairobi City Council, but again in general terms. It will enable a local authority to establish a capital fund into which they will be able to pay such fortuitous capital payments as compensation for an abattoir taken over by the Meat Commission, the money received for the sale of a piece of municipal land and also contribution from the trading undertakings and from general revenue of the council. That fund will be used to meet items of capital expenditure and to avoid outside borrowing by the council.

The second new clause in clause 9 will authorize a local authority to establish a consolidated loans fund. That is a device which abolishes the ear-marking of outside borrowings. If you are entitled to borrow £100,000 for African housing, you will not have to find one lender who will lend you £100,000, and then repay him. You borrow for general needs of the council and you find the £100,000 from the fund. It also provides a means of internal investment of the various funds set out in sub-section (ii) of the clause, which, of course, will have to be investigated and without a Consolidated Loans Fund would be invested outside or possibly invested in purchasing the stock of the authority if the authority has issued stock.

[The Commissioner for Local Government]

Clause 10, although a very long clause, has a very simple object. It is to enable Nakuru Municipal Council to succeed to the assets and liabilities of Nakuru Municipal Board. Again it is in general terms in case any other similar promotion should happen in the future.

The Schedule, Sir, contains nothing of principle and I do not propose to detain the Council with it.

I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question Proposed.

MR. HARRIS: Mr. Speaker, the hon. Mover introducing this Bill said that it was a collection of rather disjointed matters dealing with the Municipalities Ordinance. I have to agree with that statement, Sir, and say that, in fact, it is such a "hodge-podge" that I am rather at a loss to know how to deal with it under the Standing Orders. I have always understood that matters of principle should be reserved to the Second Reading and matters of detail to the Committee stage. When one has nine principles, all entirely separate principles, in one Bill and finds one's enthusiasm for eight of the principles only exceeded by one's dislike of one of them, I am not sure whether to deal with it at this stage or at a later stage of the Bill. However, I think the best thing to do would be to carry on and leave it to your ruling, in the knowledge that I am rather stuck because of the compendious nature of this Bill.

Now, Sir—

THE SPEAKER: Is the hon. Member really seeking a ruling or not? Because if so, I am quite prepared to give him one.

MR. HARRIS: I would be very grateful for a ruling on this matter.

THE SPEAKER: If there are a number of amendments to a very large Bill like the Municipalities, it is quite obvious there must be more than one principle. As there is a principle practically in every proposed amendment—that or very nearly every proposed amendment—some are merely verbal and consequential and so on, but surely it is possible to extract what is part of the principle and what is detail if you do not confine yourself

to an assumption that there is always a single principle in a single Bill.

MR. HARRIS: Thank you, Sir.

The remarks made by the hon. Mover introducing this Bill make one wonder whether Government should not, at this stage, consider a complete scrapping of the Municipal Ordinance and the introduction of what one might call the Nairobi City Council Ordinance which separates the Nairobi City Council which has financial autonomy, and which has many other considerations which do not apply to other municipalities. I feel, Sir, that one of the difficulties which Government is finding itself in is that they are trying to deal with several different stages of local government development all under one omnibus Bill. I would commend to Government that point.

Now, Sir, in section 2 of the Bill, I would like to deal first with 2 (b). The hon. Mover said it had been decided to increase African representation on the Nairobi City Council because the work had so increased since African representation was initiated that it was considered it should spread the work load. I cannot see, Sir, the logic of that argument because if it is representation of that community is to be increased by 50 per cent, which is what this means, then surely the work for the other members of the Council has also increased and there should be a proportionate increase in the representation of the other communities. But, Sir, if the hon. Mover would study the reports of the Nairobi City Council since African representation was initiated, he would not find that there is a tremendous load of work on the African members. He would find, Sir, that of all the African members that I can remember since 1946, two have done an extraordinarily good job of work and have been conscientious. He will also find in the records of his own department that whenever there has been a vacancy for an African representative, it has been necessary to scratch around to find somebody to fill that vacancy. Now, Sir, there would be reason in this suggestion if we knew that there were a great number of Africans ready to come forward who could make a great contribution to local government and to the services of the Colony, but in fact, with the two exceptions that I have mentioned, African representation on the

[Mr. Harris] City Council has added very little to its deliberations. I believe, Sir, that this recommendation is nothing else but inverted metallism and like knobbery in its inverted form, it is worse than in its normal form. I believe this is just an excuse to reply to the considerable African agitation of the last few years for more increased representation on the City Council, and I believe that the present moment is the worst time during the life of that agitation when this concession should have been made. But, Sir, to prove that there are elements of racial "jiggery pokery" it would be found in section 2 (A). We find that in order to restore balance, it is necessary to have an additional liaison officer from the county council which seems to suggest a basis of one and one.

THE SPEAKER: It has struck me that the expression "jiggery pokery" might not be a parliamentary expression, it is a slang term, I understand, which imputes fraudulence or fraud or something of that character to the person to whom it is referred to. I think some other wording should be substituted for the benefit of HANSARD.

MR. HARRIS: I apologize, for your interpretation is not the same as mine. Perhaps "skulduggery" would be better.

THE SPEAKER: That is, of course, American, and I cannot pronounce upon it—I should not like to see any phrases of that character imported into our debates. I prefer plain English.

MR. HARRIS: I do feel, Sir, that there is, in the association of paragraphs 2 (a) —of clauses 2 (A) and (B) in this Bill, an element of trying to retain racial equality on a racial basis, when it would be very much better that the representation on all boards and councils should, in fact, be in accordance with giving the right people the right job of administering a particular area.

On the other hand, Sir, in spite of all I have said, I do not intend at any stage to oppose clause 2 (B). I will, Sir, in the Committee stage move an amendment to the amendment which has been notified, namely two members of the County Council of Nairobi to be nominated by the Member. I propose, Sir, that they should be selected by the appropriate

body, but I will move that in the Committee stage.

MR. CHANAN SINGH: Mr. Speaker, I wish to put on record the objection which I made against the previous Bill. The same objection arises here, but in more pertinent form. The composition of the City Council of Nairobi was arrived at after a long discussion going over several years. If that composition is going to be disturbed in the manner in which it is suggested in section 2 of the present Bill, then I think that is a most inappropriate way of disturbing the proportions of the various groups.

Now, Sir, that representation of the various groups was disturbed in a similar manner when the aldermanic bench was introduced some years ago. Now this Bill seeks to disturb the proportions still further. Although the Bill does not say who the two liaison members of the county council will be, but that is one aspect of the amendment which is open to objection, because if it said definitely who those two additional members were going to be, then we would know definitely whether or not the racial proportions in the composition of the municipality were going to be disturbed or not. The fear is that the composition will be disturbed in favour of one racial group.

The additional African member on the municipality is very welcome indeed. I should have thought that there should have been two additional African members so that their membership would have been four instead of the present two. The African population of the city has increased very much and their problems and needs are increasing day after day. I am sure the co-operation and assistance of African councillors is very valuable in solving the problems that arise from the large African population.

I believe, Sir, that the additional liaison member from the County Council of Nairobi has been suggested to offset the additional African membership of Nairobi Municipality. There is, therefore, no justification for that additional liaison member. I think it is wrong to say that two liaison members are necessary; they are not necessary at all. One liaison member would be quite sufficient, and he has been quite sufficient in the past. The addition is only to offset the addition of an African member.

[Mr. Chanan Singh]

Now, Sir, I believe there are three solutions of the difficulty to which I have referred. Either the proposed amendment to the liaison membership of the Nairobi Municipality should not be dropped, or the voting powers of the liaison members should be limited to matters which concern the county council. If that is not done, then I suggest the Member for Local Government should give us an assurance that the two liaison members will not be selected from one racial group.

MR. GIKONYO: Mr. Speaker, I quite agree with the hon. Member that the work of the City Council has increased so much that two African councillors cannot cope with it. I am not satisfied with his intention of increasing it by one additional councillor, because I thought that his realization that the work has increased, would mean his intention to increase the African councillors by more than one.

Mr. Speaker, I was very much surprised and very much ashamed to have listened to the speech from the hon. Member for Nairobi South. I have had the honour to serve in that Council with him for more than six years and he would be the first man to realize the burden of work that is shouldered by the two African councillors. At one time I had the honour to serve under him as Mayor, and it is a shame for him to come into a Council like this and not appreciate the work and energies that have been shown by the two African councillors. (Hear, hear.)

I remember one instance in which he had to go to the Press and report my absence from that Council. He was chairman of a committee which was examining the terms of service of the African members of the staff, and because of an unavoidable reason I did not attend that committee; he had to go to the Press and say that the African member was not present to prejudice my position in the Council, and if there were two African members of that committee, surely by my being absent the other councillor could have been present. I am sure he knew that, and he would not be the first man to oppose, and I would expect him to support the Member for moving even the additional councillor.

Mr. Speaker, I beg to oppose the thing, and wish to move an amendment when it comes to the Committee stage, that the work of the councillors on the City Council warrants more than three councillors. The proportion of the members there really warrants that the African councillors should be increased by more than three. The African population in Nairobi is such that it needs more representation than three.

Mr. Speaker, I beg to oppose.

MR. A. B. PATEL: I rise to make a few observations in regard to the matter which has been raised by my colleague, the hon. Member for Central Area.

Sir, that is in regard to clause 2 (a) which provides for two members to be nominated from the Nairobi District Council to the City Council. My hon. colleague has already stated that he wished to put on record the reasons for the observations he made.

I would like to say, Sir, that when the Asian representation on Nairobi City Council and Mombasa Municipal Board were arranged about a quarter of a century back, various negotiations took place between Asian and European representatives and the Government and, after long and protracted negotiations, an agreement was arrived at for the purpose of giving a certain ratio of Asian representation on these two municipal bodies.

Now, Sir, I do not say that change may not become necessary owing to change in circumstances. I do not say that what may have been agreed 25 years back must necessarily continue, but my complaint is that when Asian representation was arrived at after long and protracted negotiations, to the satisfaction of Government, the European community and the Asian community, it was not fair that every time the change should be made without taking the Asian community into confidence and giving them an opportunity of discussing the matter. There was only one occasion, in regard to Mombasa, that the hon. Sir Charles Mortimer was deputed to take the opinion of the Asian community of a change being made, but when other changes have been made we are not taken into confidence before such matters are decided.

[Mr. A. B. Patel]

That is my strongest complaint against the Government in regard to these matters.

Mr. Speaker, I am going to oppose the suggestion made by the hon. Member for Nairobi South for election of these two members, referred to in clause 2 (a). I would rather say that they should be nominated by the Member because there will be an opportunity in that case for him to exercise discretion to nominate a non-European if he has merits to be nominated on the City Council, but with election I am quite certain—one hundred per cent certain, more than one hundred per cent certain—if I may say so—that no member of any other group will be elected.

The hon. Member for Nairobi South, Sir, said, during the course of his remarks opposing the increase in the African representation, that the right people should have the opportunity to work. I would welcome that, if in this Colony we can introduce the system of representation on merit. I would welcome it if we could get away from racial representation, but I do not think the hon. Member for Nairobi South will have the courage to say so, when the time comes for moving from racial representation to representation on merits.

Sir, that is the reason why I shall have to oppose clause 2 in this Bill for the reasons already mentioned.

THE SPEAKER: It is just on 11 o'clock, so we will suspend business now for 15 minutes until 11.15 a.m.

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

MR. MATHU: Mr. Speaker, I beg to support the Second Reading of this Bill and, in doing so, I have some comments to make on clause 2. I would like, first of all, to thank Government for finding it fit to increase African representation on that Council from two members to three. I think it is a matter of half a loaf is better than nothing and, as my colleague has indicated, we shall try to press Government to agree with us that an increase from two to four would be better than an increase from two to three. We intend to do that in the Committee stage.

Having said that, Sir, I would like to make some comments on the speech made by my hon. friend the Member for Nairobi South. I deplore that speech, Mr. Speaker, because it is a speech which is not based on any facts or any logic at all.

Now, first of all, my hon. friend talked about the proportion—that the African membership on the Council would increase 50 per cent. He did not give us the composition of the whole Council so that we could see this proportion in relation to the composition of whole City Council. I have analysed the present composition as provided for under section 4 of the Ordinance we are amending. There are eighteen Europeans on the City Council, there are nine Asians and there are two Africans. If my hon. friend thinks that by increasing the African membership from two, by one, to three, it is going to affect the effectiveness of the European representation on that Council, I do not see how. It is three against eighteen. Now if you place the Asian membership against them, too, it would be three Africans against twenty-seven. At the present time it is two Africans against twenty-seven. Now if my hon. friend thinks the African strength of two members is so strong as to influence twenty-seven members in that Council—

MR. HARRIS: On a point of explanation, Mr. Speaker, I did not suggest for one minute there was any influence whatsoever. I was replying to the suggestion made by the hon. Member that because of additional work it had to be spread over an additional number.

MR. MATHU: I am going to comment on that shortly, but I want to give sufficient background to put the whole of the hon. Member's argument into the proper perspective. Now having done that I come to the point raised by the hon. Member, with which I entirely agree, that a Council of twenty-nine members, as at present it is constituted, with all the sub-committees—with only two African members—even if you split them up in half—if you can have two souls—they are not efficient, they will be overburdened with committee work. Even if they had the brains of the whole world they cannot do it. I say, Sir, that when you have an African

[Mr. Mathu]

population in this city growing every day—I estimate there are over 100,000 Africans in Nairobi City, and I may be underestimating at 100,000 people—with all the problems that have to be attended to, if my hon. friend thinks that two members can cope with that, then I would like to know on what basis those two can very well do that. I would even go to the extent of saying that if my hon. friend thinks that the work of these people has not increased, and that the burden of the whole committee work has not been increased, I would say he is not putting the case properly. All these problems arising in the city, all these shanties, they all come within the City Council's purview, and they affect Africans more than anybody else. Now, surely all this would require more bodies to attend to matters which affect our Africans in the city. I suggest that my hon. friend is very wrong to suggest that this one body being increased here is depriving anybody else of adequate representation.

One further point, Sir, which my hon. friend mentioned—the unavailability of suitable Africans in Nairobi City. I do not agree with him. There are very suitable African citizens in this city who can discharge civic duties like anybody else if only you appreciate what these men could do, but if the speech of my hon. friend is an indication of the non-African attitude towards the African contribution towards local government, I should hate to think—it would be a very tragic thing for race relations in this country, let alone in Nairobi itself.

Now before I sit down I would like to say this. My hon. friend mentioned about the concession as a result of African agitation—why this one body has been added on to the membership of the City Council. I do not think it is a concession. The Government has not been pressed in any way other than in a constitutional manner. We pressed this point in a constitutional manner and I do not call that agitation. I call that adequate constitutional representation, to bring to the notice of Government the wishes of its citizens. I deny that it is a concession or that there has been agitation. There has not. I would like again, before I sit down, to congratulate the Mover for this

way in which he moved this Bill and to support the views he has expressed that the African representation—required increasing, so that men who are doing this work and I think discharging it very admirably should have an additional body to help in the work of the Council and to say that the criticism that has been levelled against them by my hon. friend, the Member for Nairobi South, will be noted by all in the country, this negative approach, instead of encouragement in appreciation of what they are trying to do under very difficult circumstances.

I beg to support.

MR. COOKE: Mr. Speaker, unfortunately, I was not here when the hon. Member for Nairobi South spoke, but if he really conveyed the impressions which my hon. friend, Mr. Mathu, has just said he conveyed, I would like to disassociate myself entirely from what he said. I support this Bill very firmly indeed. I think that in an important town like Nairobi where there is such a very large African population, even with three, the representation is not enough. But as Mr. Mathu very well said, half a loaf is better than no bread. It may be, Sir, that if there had been three representatives in the last few years we would not have had the shanty towns which we have had springing up in Nairobi. It is an absolute disgrace to the Europeans in this country on both sides of the Council that such a thing should have happened. I would like, before I sit down, to pay a special tribute to Councillor Ofafa, who I thought the other day made a very brave and courageous speech. (Applause.) I would say this without aiming at anyone in this Council, that if certain Europeans were as brave and courageous as Mr. Ofafa was, there would soon be an end to Mau Mau and other terrorist business in this country. I pay hearty tribute to him. I think he has done more than anyone to establish that it is necessary to listen to African opinion, and trust that African opinion when it is uttered in a position of responsibility.

MR. USHER: I wish to intervene briefly in this debate just to comment on the statement by the hon. Member for Eastern Area. I understood him to suggest that there had been some discussion

[Mr. Usher]

of constitutional changes in Mombasa Municipal Board, though why he ranged from Mombasa to Nairobi in that manner I do not quite know, in which the Asian community were not taken into confidence. Let me explain the facts, Sir, because I perhaps have more practical experience of the Board in recent years than my hon. friend. It is quite true that there was an inquiry held by Sir Charles Mortimer under the Ordinance on one occasion. It is also quite true that gentlemen made certain remarks in regard to constitutional changes in Mombasa which gave rise to a motion in the Mombasa Municipal Board, of which I was then Chairman. That motion was of course a public one and if constitutional changes take place an inquiry will be held in accordance with the law and there is no escaping it, so to suggest that there is any underhand discussion or promotion of these matters is incorrect, Sir.

MR. MACONOCHE-WELWOOD (Uasin Gishu): In view of the fact that Members of all groups have now spoken on the matter and the urgency of the present situation where many other people have work to do, I beg to move that the question be now put.

Question proposed.

The question that the question be now put was put and carried.

The question that the Municipalities (Amendment) Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

THE SPEAKER: Considering that we have an hour or so before the interruption of business, would it be advisable to take this Bill in Committee? Could we get through it in an hour? Are you all prepared?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Yes, Sir, but there are other Bills on the Order Paper and in accordance with your other ruling, is it not well to go ahead with them?

THE SPEAKER: Very well, call the next Bill.

The Medical Practitioners and Dentists (Amendment) Bill

THE DIRECTOR OF MEDICAL SERVICES: Mr. Speaker, I beg to move that the Medical Practitioners and Dentists (Amendment) Bill be read a Second Time.

During the last session of Council I proposed a Motion introducing the principle that medical practitioners of Makerere College should be granted local registration. That Motion was passed by this Council without dissent.

The details of the reasons for this proposal were fully explained in that debate and I do not think it is necessary for me to go over the ground again, but I would like to remind hon. Members that the reasons for this were briefly that the General Medical Council of Great Britain sent out a panel of visitors to Makerere to decide whether the curriculum and degree which is now being given warranted local registration and that was the recommendation they made.*

Clause 2 of the Bill gives legal sanction to this principle which has already been accepted by the Council.

Clause 3 and 4 of the Bill provide for the licensing of district surgeons and particularly for the licensing to practise in this country after they have completed a meritorious service with the Government. As the law stands at present the only persons who can be licensed after long service with the Government are Asian assistant surgeons and African assistant medical officers. It sometimes happens, however, that district surgeons are appointed who have medical degrees from some European universities which are not recognized in this country and it is considered to be only fair that such persons should be licensed when they have completed a period of meritorious service with the Government.

Clause 5 of the Bill seeks to remove an anomaly which has existed for far too long. When the Medical Practitioners and Dentists Ordinance was introduced into the Statute Book in 1910 special provision was made for subordinate employees of the Medical Department to be given some sort of legal safeguard when carrying out their duties and rendering medical assistance to people. Since then, there has grown up a large body of subordinate medical

[The Director of Medical Services] personnel employed by the municipalities, by the missions and perhaps the largest number of all is employed by the African district councils for whom no such safeguard applies. Now, it is obviously grossly unfair that there should be legal safeguards to employees of the Medical Department and no legal safeguard whatsoever to other people employed by outside agencies carrying out precisely the same work and it is for this reason that clause 5 of the Bill has been included in this amending Bill. I believe, Sir, the contents of this Bill are non-controversial.

I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question that the Medical Practitioners and Dentists (Amendment) Bill be read a Second Time was put and carried. Ordered to be read a Second Time and committed to a Committee of the whole Council.

African Housing Bill

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I beg to move that the African Housing Bill be read a Second Time.

This Bill, Sir, repeals and re-enacts the Housing Ordinance, Chapter 142 of the Laws of Kenya which was enacted some ten years ago. I claim for this measure the enthusiastic support of all the hon. Members as I am sure that the subject is one close to the hearts of all of us. It needs no emphasis on my part. When I assert that the root of a great many of our social problems in this country is the inadequate and inefficient and shockingly bad housing in many of our urban areas. (Hear, hear.)

We have much housing in Nairobi City of which we are justly proud but we have a great deal of housing of which no one could be proud. We hope to develop in the African residents of our urban areas some kind of civic pride. It is very difficult to develop civic pride if you happen to live in Pumwani or Kariakor or some of the unfortunate spots in our City.

It is not only on public health grounds that we need to ensure that all Africans who are rightly housed within urban

areas and who have a legitimate right to be there, should be properly housed, but we need to take into account also the mental, moral and social influence upon Africans of bad housing conditions. I will not go into great detail. I might expound on this subject for a long time, but it is not necessary because I am sure no hon. Member of this Council requires to be convinced of the importance of making a strong and adequate drive towards remedying the evils of bad and inadequate housing in our urban areas. What we need, Sir, is a new impetus in this drive for better and more housing. The City Council of Nairobi is embarking on vast projects and the Government is assisting in every way possible, both by provision of land, assistance with funds, with staff, and assistance in co-operating on designs and methods of carrying them out, but it is not only in our major municipalities such as Nairobi and Mombasa that the problem exists, but in all our smaller municipalities and townships throughout the country the problem of bad and inadequate housing exists to a greater or less degree and we want to clean up and as speedily as possible the mess that has been created in many of our townships.

My hon. friend, the Member for Finance, when he was still a member of Nairobi City Council was entrusted by me with a commission to inquire into this housing problem in urban areas and he submitted in due course, a very valuable report which has been accepted by the Government as the basis and principle on which our housing scheme can be properly developed. There are three lines of advance that we are proposing. One is to work through local authorities to inspire and help the local authorities to carry out their obligations to residents in their midst. The second is to encourage by every reasonable means employers to house their own staff and the time may come when we have to bring forward to this Council legislation to impel those employers who are holding back to do their duty by their own staff. The third line, and one which I think is most profitable and contains an immense amount of hope and encouragement for the future development of the African's own housing is by the advance of loans, by the provision of land, by the assistance that we propose to give in the production

[Mr. Usher]
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[The Director of Medical Services]
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[The Member for Health, Lands and Local Government].
of the plans for their houses and assistance and advice in the building. So we hope to provide that the Africans themselves will have a stake in our urban areas and will develop a high sense of citizenship of which I am sure they are quite capable. I have said, Sir, that this new measure repeats the old one; the reason why we took this step was because they were proposing to make so many amendments that it would be easier to understand if we produced an entirely new Bill.

Now the old Ordinance set up a Central Housing Board to administer a Housing Fund. Funds were provided to start that Central Housing Fund off, chiefly from the Colonial Development and Welfare Vote of the United Kingdom. The Housing Board did very valuable work as long as money lasted, but the fund was not a revolving one and the money was soon exhausted and no further funds were forthcoming, consequently the old measure has been in cold storage for some years. The new Bill gives a new orientation to the whole situation. I will just refer briefly to the principal changes made in the new measure in comparison with the old one. First of all, Sir, the new Bill is specifically for African housing; the old one whilst it was used for African housing and has never been used for anything else, was not specifically so defined.

Another difference is that the Housing Board is a body incorporated under the new measure. The old Board consisted of six members, statutory, plus the Chairman. It was found in practice that the membership was too limited, as there were many people one would have liked to be on the Board who were shut out by reason of the numbers prescribed. The new Board is unrestricted in membership, although, of course, the Member in appointing members to the Board will have in view the inadvisability of having a large and unwieldy Board which makes for cumbersome working. The power of appointing members and fixing the procedure of the Board will, under the new Bill, be in the hands of the Member and not of the Governor in Council. That is in accordance with the present-day tendencies in legislation to avoid burdening the Governor in Council with routine

matters that can be dealt with by the Member himself.

Another very important difference is that the new Board will be able to make financial advances either to local authorities direct and to companies, employers and the like, to provide housing for their staff, through local authorities, or the Board may make advances direct to employers for the benefit of their staff. The Board may also make advances direct to individuals or it may make advances through a local authority.

Under the old Ordinance this thing could only be done under local authorities. Under the old Ordinance no company could apply for assistance in housing its staff unless it was a non-profit-making company; that is, a purely philanthropic, or subsidiary company of some commercial company set up expressly for the purpose of running housing schemes. Needless to say, no applications have been made under that particular scheme.

Under the new Ordinance those restrictions will be removed. The Board will have far wider powers than it had under the old Ordinance, it will be able to devise a plan and carry out schemes for itself, where local authorities are, for any reason, unable or unwilling to function. The Board will have power to fix the terms and conditions of the loans advanced either to individuals, to employers or to local authorities, and that power will not be vested, as heretofore, in the Governor in Council.

Now, the Board, under the new Bill, will not need to sit back and wait for applications for assistance to come forward, but the Board will have power to investigate, to experiment and to initiate housing schemes wherever it feels they are needed.

Those are the major features of difference between the old and the new. I look forward to a period of great success for the Housing Board; its personnel will be very carefully selected and they will all be people who have this subject very close at heart and will, with energy and drive, pursue this object we have in view, so that this blot on the fair name of Kenya that we have neglected to provide for our urban dwellers may be, once and for all, removed. There are several

[The Member for Health, Lands and Local Government].
minor amendments in addition, which are concerned only with the machinery of operation of the Board, and are of no great consequence for the debate.

Hon. Members will remember that the fund was created into a revolving fund by a Motion of this Council on 21st October, 1952, so that all the moneys lent, as they come back on repayment, together with the interest accrued due from borrowers, will be available for re-lending and so do a valuable work in developing our improved housing conditions.

I beg to move. (Applause.)

THE MEMBER FOR FINANCE AND DEVELOPMENT SECONDED.

Question proposed.

MR. USHER (Mombasa): Mr. Speaker, the hon. Member I think very properly claims the enthusiasm of the Council for this Bill. I am not slow to respond but my enthusiasm is tempered by one important consideration. As has been pointed out, this Bill replaces an Ordinance where the application of the fund was unrestricted in respect of race. I feel it to be a pity that this restriction has been now introduced, particularly, as has already been stated, administratively the funds available to the old Board were in fact applied solely to African housing.

Now, the reasons which I must bring forward for qualifying my enthusiasm are that it might affect, or affect unfavourably, a town where there is a very large proportion of bad housing—that is, Mombasa.

Now, in Mombasa there are about 60,000 Africans, 30,000 Asians, 16,000 Arabs and 4,000 Europeans. Most of those people are poor and are living in poor houses. In fact, it may be said that they are living in African-type housing, perhaps rather better than in Nairobi, perhaps one had better call it Swahili-type housing. Now, in that town we have, in fact, nothing that you could call a native location, or African location. There are certain houses reserved for African staff, but otherwise we have not got this location system, and these houses to which I am referring are occupied by three races, the Arabs, Africans

and Asians. Not only is there a preponderance in certain quarters of Arabs and Asians over Africans, but you will find in some houses intermixture of the races themselves. Well, we hope in due course to be able to do what you might call slum clearance, and to provide the land on which better type housing can be provided. We do not want then to institute a species of segregation which has hitherto obtained.

This, Sir—the wording of the definition of "dwelling" makes the thing rather difficult. "Dwelling", it says, "means a building, the whole or part of which is intended to provide residential accommodation for Africans". It is possible that that is a loophole, whereby we might introduce members of other races into houses which were intended—but, Sir, what is intention? I recall a very charming triolet from the Oxford Book of English Verse: "I intended an ode but it turned to a sonnet"; and it seems to me that you might say you intend a house for occupation by Africans, and it might thereafter be applied to entirely different purposes.

I do not think, Sir, that is a very satisfactory way of getting out of my difficulty and I should, therefore, be very much obliged if the hon. Member would either consider a select committee which, perhaps in the matter of half an hour, could resolve the difficulties in the manner which I have indicated, or that some amendment should be introduced during the Committee stage to make it clear that this would apply to people, perhaps living in the African manner.

With this reservation, Sir, I beg to support.

MR. COOKE: In supporting the hon. Member, there is one point I want to make, and I think it is an important point. I think that these African houses lose a great deal of their value if they have not got a proper water supply. I came across a case the other day—you may say that single cases make bad law, or that sort of thing—a case where ten families were living in one Swahili-type *banda* with no water supply or sanitary supply anywhere except in the municipal location, and I would ask my hon. friend, I am sure it is at the back of his mind—it would be reassuring if he could tell us—and especially now it would be more

[Mr. Cooke]

easy with the new Nairobi water supply coming into force in two or three years' time—that all these new houses will be so located that they will have an ample and sufficient water supply.

MR. MATHU: Mr. Speaker, I just rise to congratulate the Government on introducing this measure and to underline the urgency of the situation—I know my hon. friend recognizes this—and to say what we want is not more talking now, or more legislation, it is four weeks and a roof for these people to live in.

DR. HASSAN (Muslim, East): The Bill is welcomed by everyone in this Council because of the urgency of this measure to provide houses for the Africans, but I fail to understand that the Government's responsibility does not lie in helping and assisting the poor people of all communities. The previous Bill provided for that, and why have other communities been deprived of this advantage which Government could give them?

The hon. Member for Mombasa has already explained that we have a few major towns in this country—one of them is Mombasa at the coast. No regard has been given to conditions under which Asians and Arabs are living in that town. They are living in shanties and almost shanty areas which are creating perpetual headaches to the authorities of that town. There are a large number of Asians and Arabs who have shanties on plots which do not belong to them, I know on several occasions the health authorities served them with notices to demolish those shanties but because there has been nowhere available for them to go, nor have they means to put up shanties for themselves, therefore the Government gave them time and just waited for an opportunity for a scheme of this sort by which they could be helped and assisted to go to another area and under an assisted scheme put up shanties for themselves.

We have Somalis in different parts of Kenya, we have Sudanese, we have Arabs and Asians, and when we deal with situations of this kind, why should we not have a Bill applicable to all communities—the needy people of all races?

No doubt, I quite agree with the hon. Member that we need to spend the limited amount at our disposal for the benefit of

the Africans—nobody would deny that—but the Bill should be framed in such a way that we may be able to find funds for other communities to take advantage of; and I hope, Sir, if this Bill is referred to a select committee, the proper amendment will be moved.

MR. HAVELOCK: Mr. Speaker, the main reason why I welcome this Bill is not so much—as other hon. Members have stated—that it will give the opportunity for others to provide houses for the Africans, but it gives the opportunity for the Africans to provide houses for themselves, which I think is one of the most important principles which we should help along in every possible way.

The remarks made by other hon. Members as to the racial discrimination apparent in this Bill are interesting, but other hon. Members have again stressed the great importance of providing houses for Africans as such, and I would support those hon. Members and say at this time we cannot afford to allow this Bill to be delayed in any way which will, in fact, delay the provision of housing for Africans.

It does, I think—the whole principle, the fact that this Bill is a racial one—does point to the fact that discrimination is not always a bad thing. In fact it is quite often necessary in a peculiar country such as ours.

I have every sympathy with the needs and requirements of poor people of other races, and I would ask Government that they should give in their reply—the hon. Member should give in his reply what plans he has in progress for people of other races on a poor salary scale in the matter of this housing provision, but meanwhile I would ask that no delay is allowed for this Bill to be passed.

I beg to support.

MR. USSER: On a point of explanation, I think the hon. Member has misunderstood. I suggested a select committee might take half-an-hour, and I suggested also that it could take place during the present sitting.

LT.-COL. GHERSIE (Nairobi North): Mr. Speaker, Sir, just one brief point. While I welcome this Bill, Sir, to eradicate what I think the hon. Member referred to as a blot in urban areas, I feel in examining the objects and

[LT.-COL. GHERSIE] reasons, that the overall sum of £100,000 is quite inadequate, and as it is a matter of urgency I would like some indication from the hon. Member as to how he proposes to obtain the necessary funds to make this scheme effective, because I do consider that the sum involved here is quite insufficient. One point on the measure of control over the actual construction and building of these houses or townships, as the case may be, I suggest that they must be referred to the City Council. We do not want a haphazard conglomeration of all sorts of buildings springing up here. I trust that will have the necessary consideration, Sir.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I want to make one or two points in particular. Whilst I think everyone in this Council welcomes this Bill, there seems to be an impression given in this debate that African housing—the building of African housing—has not been going on, and going on apace, and I suggest that an examination of the records of this Government will show—as an examination of the leading municipal authorities will show—that there has been a considerable amount of building of African housing proceeding regularly over the past seven to ten years in this country.

What, Sir, is, of course, happening is that those buildings—our finances and our resources have not been able to keep pace with the inflow of the urban population, and a study of the population figures of our bigger towns will show indeed what a remarkable rate of increase has taken place in the African worker population. That is one of the main reasons, Sir, why the problem has not been caught up with. The money that has been spent and the houses that have been erected would have been almost sufficient to have solved the problem as, for instance, it was in the days when I was first Mayor of Nairobi, but it is obviously incapable of keeping pace with the present rate of increase.

Now, Sir, I think, too, it should be remembered that housing is not purely or mainly a Central Government responsibility. It is the local government authorities' responsibility to provide houses for its citizens, with all the assistance and drive that the Central Govern-

ment can give. The Central Government recognizes, of course, that there are certain phases in which local authorities cannot act and it must operate itself, hence this particular type of legislation.

My hon. friend, the Member for Local Government, referred to the question of employers' housing. I would like, Sir, to just amplify that for one second. When an employer sets up an industry in, shall I call it an established industrial civilization like that of Great Britain, he is able, by payment of his weekly wage to enable his employees to obtain accommodation through the payment of rent, that is because private enterprise and local authorities and central government have provided the buildings for the employee to rent, but that is not the general position with us at this particular time. Many industries that start here attract fresh labour to the towns and impose an additional burden on the housing situation, although, at the same time, we recognize they bring additional revenue and impetus to the development of the town or city. The question, of course, arises, particularly at a time when we wish to attract industry, as to how far we can go along the line of compelling an employer who was spending £50,000, shall we say, on a factory, to spend £100,000 on providing housing for workers in that factory. There would be a grave danger that industry would be repelled if we started to impose conditions of that kind.

In this Ordinance we have indeed made provision for progressive employers to approach Government through the Central Housing Board, to borrow money on building society terms, to build houses for their employees, and we hope in this way not only to assist in the provision of African housing, but also to encourage industry to develop in this country with the recognition that there is this capital assistance on what I would call reasonable terms.

Now, the last point I would like to deal with is that raised by my hon. friend, the Member for Nairobi North, on the question of funds. As I think has already been published in the Press, Sir, during my visit to London last week I was negotiating for money to be made available on fairly long term loan period to the Central Housing Board, and if those negotiations succeed, as I have

[The Member for Finance] every hope that they will, even though the rate of interest may be a little higher than that which we must normally pay in the public market. I have every hope that we will be able to make, within the next few months, the sum of at least £500,000 available to this Board for the development of housing.

Mr. AWORI: In thanking the hon. Member, I should mention that the African public most welcome this Bill. Regarding the housing, there is only one point I would like to emphasize, and that is the question—the point appearing in the Bill regarding housing, Africans building houses for themselves. What has been happening in the past is that the African, in most instances, in the towns is a tenant, and he does not feel he has any security at all, but I think that when this Bill is implemented we shall be able to create a class of Africans who are urbanized and who have good security in the town and this will ease the position in the reserves, but at present the African has one leg in the town and one in the reserve, since he does not possess any security. I feel this Bill will do much to help the African in that way.

Mr. Speaker, I wish to support.

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

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I warmly appreciate the welcome that has been given to this measure from the hon. Members opposite. I will endeavour to deal with the various questions that have been raised *seriatim*.

The hon. Member for Mombasa raised an important question about the different classes of people who are not strictly by definition to be regarded as Africans, and yet ought to be included within the scope of this measure. I feel much sympathy with what he has said, and he had the courtesy to give me warning that he was going to raise this question, and I have, therefore, been able to confer with my hon. friend, the Attorney General, and we think we can provide a solution by introducing a definition of "African" instead of relying upon the standard definition of "African" in the Interpretation and General Clauses Ordinance. I am not ready with the precise definition at the

moment, but I will bring it to the notice of my hon. friend and see if it satisfies the requirements of Mombasa, as I think it will. I submit, therefore, there is no need for a select committee, because I think we can meet the need without.

The hon. Member for the Coast emphasized the need in any new housing scheme for water supplies. I am quite sure that the Housing Board and all its members will have that very closely in view. There are no less than four members of the Housing Board here on the bench behind me, and I am sure that they heard the hon. Member's words with interest and will bear them in mind when they get down to their work.

Mr. HAVELOCK: How many on these benches on this side?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I do not see any at present.

The hon. Dr. HASSAM asked why the scope of the measure could not be extended to cover all races. Well, the reason I think is obvious, that it would be impossible to provide adequate funds in this particular measure for dealing with the housing needs of all races. We shall go a long way to meeting the hon. Member's point by introducing a new definition of "African" which will be fairly wide in its scope. But for other races and for their housing needs there are other provisions. The local authorities have those needs very closely at heart and they can borrow money for the purpose of establishing schemes for those people from the Local Government Loans Fund through the operation of the Local Government Loans Authority, and I am quite sure that, as in the past, they will not be backward in coming forward to apply for such assistance where it is needed.

The hon. Member for Nairobi North emphasized the need for keeping in close touch with the local authority—he specified the Nairobi City Council—to avoid the creation of slums. Well, I can assure the hon. Member that the closest liaison will be established between the Housing Board and the local authorities, not only the Nairobi City Council, but local authorities throughout the country, and the Board will work in the very closest co-operation with those authorities to secure the best results that may be obtainable.

[The Member for Health, Lands and Local Government]

I think, Sir, I have covered all the points raised in debate, and I now beg to move.

The question that the African Housing Bill be now read a second time was put and carried.

Ordered to be read a Second Time and committed to a committee of the whole Council.

Local Government (Eldoret European Hospital Rate) (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Local Government (Eldoret European Hospital Rate) (Amendment) Bill be now read a Second Time.

The finances of the Eldoret Memorial Hospital are derived partly from grants from the European Hospital Fund, partly from fees paid by patients, partly from voluntary contributions and partly from a rate raised under the Ordinance which it is proposed to amend. That rate can be levied only on males and the object of the amendment is to enable it to be levied on females, apart from women living with their husbands and apart from women below a certain income limit. I should say that fees paid by patients are less in the case of ratepayers than they are in the case of non-ratepayers, and that there are therefore corresponding advantages in this Bill.

The proposal has widespread local support in Eldoret and in Uasin Gishu and I beg to move that the Bill be read a Second Time.

Question proposed.

The question that the Local Government (Eldoret European Hospital Rate) (Amendment) Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

Local Government (District Councils) (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Local Government (District Councils) (Amendment) Bill be now read a Second Time.

This Bill has precisely the same object as the one we have just discussed. The rates are levied upon ratepayers in Eldoret under the Eldoret Rate Ordinance and they are levied upon people in the Uasin Gishu District under the Local Government (District Councils) Ordinance.

Sir, I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question that the Local Government (District Councils) (Amendment) Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

The Sugar (Amendment) Bill

THE CHIEF SECRETARY: In the absence of the Member for Agriculture and Natural Resources who is in charge of the Bill, may I ask if this item may be deferred until later on in the Order Paper.

The Patents (Registration) (Amendment) Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that the Patents (Registration) (Amendment) Bill be now read a Second Time.

This Bill, Sir, is, I think, very clearly described in the Memorandum of Objects and Reasons. The position is that the United Kingdom law has always provided that use of patent after the date of application for its registration has been made should not prejudice its novelty and thereby invalidate it. The Kenya Patents (Registration) Ordinance has made similar provision in regard to the local registration of patents and that it is also operated from the date of application for registration. The United Kingdom Patents Act of 1949, however, changed the procedure slightly in that it has introduced what is now known as the priority date from which any objections have to be considered in relation to the use of patents after it has been registered. Generally speaking, that is still the date of application to register, but not necessarily, so that the object of this Bill is to amend the Kenya law in order to

[The Secretary for Commerce and Industry] bring it into line with the change in the United Kingdom law. It has been considered and is recommended by the Board of Commerce and Industry and the similar amendments have been or will be enacted in Uganda and Tanganyika.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

The question that the Patents (Registration) (Amendment) Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council.

The East African Industrial Licensing Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move that the East African Industrial Licensing Bill be now read a Second Time.

Sir, this Bill is designed to replace the existing Industrial Licensing Ordinance which was passed in 1948. This Legislation has already been amended on two occasions in 1949 and in 1950. The proposals contained in the Bill which is now before the Council do not involve any major changes in policy, but it was found quite early as a result of experience of operating the 1948 Ordinance, that it did not entirely meet the purposes for which it had been introduced. Those purposes were briefly an encouragement of the establishment of new industry by obviating uneconomic competition; controlling the siting of industry to the best advantage for East Africa as a whole; the protection of the consumer and the protection of the worker. In order to safeguard the position of people who were granted licences under the law, it was necessary to introduce an amendment as I have already stated in 1949 and 1950. But the East African Governments agreed that in the meantime the whole law should be reconsidered, and an attempt be made to introduce a new model Ordinance which would replace the one which had not been found to be satisfactory in practice. That is the Bill which is now before this Council. It is designed to make industrial licensing more definitely operated on an East African basis and that is, I think, made clear from the title of the Bill.

I do not propose to go through the Bill in great detail, but there are certain matters to which I should draw the attention of the hon. Members.

Clause 2 of the Bill contains a number of new definitions which are necessary for the purposes of clarifications and deal with matters in some instances which have caused difficulties under the present law. For the purposes of convenience the Bill has been divided into six parts. I only wish to refer under the definitions, to the "Cottage Industry" which is defined in conjunction with the definition of the prime mover.

Now under the existing law there is no provision for the exemption for industry which is operating on a very small scale and it is thought desirable that this should be the case. It will be found that the provisions of the law are not made to apply to "Cottage Industry" as defined and an exemption is given under clause 75.

I would also wish to refer to the definition "to manufacture". That is designed to get away from the difficulty which has arisen under the present law, where there is no such definition and in the case of the industries which can contain a number of processes from the initial treatment of raw material right through in various stages of finished or semi-finished products, it is very necessary to know to what extent such industrial operations are covered by the law. This is designed to make the position clear. There has been some doubt in the past as to whether, for instance, if you schedule cotton textiles under the Ordinance whether that included dyeing and printing of textiles which might be bought by the manufacturer in the piece. That would be the case under this law, but it was not clear previously.

I would also wish to refer to the definition of "Registrar", which visualises a change in procedure. At the present time the registrar is appointed by the Government and there are in fact three registrars in East Africa, working in conjunction with the East Africa Industrial Licensing Council—one in each territory. This has, as I think might be anticipated, led to a certain amount of confusion, in regard to interpretation and it is considered to be far simpler to have one—one registrar who will be

[The Secretary for Commerce and Industry] responsible for handling applications for licences and dealing with the issue of licences under the instruction of Council. The Council is an interterritorial body on which all three East African territories are represented.

Part 2 of the Bill deals with promotion and development of industry by means of Industrial Licensing. The provisions of clause 3 are of interest—they expand the provisions of the present section 10 of the existing Ordinance and lay down some specific grounds which the Council may take into account when dealing with applications for licences.

These include now the availability and suitability of labour, transport and the interests and conditions of service of labour employed or to be employed. I think it will be generally agreed that availability and conditions of labour and particularly at the present time the availability of transport facilities in relation to siting of industry are of major importance.

Part 3 of the Bill deals with the operation of industrial licensing. There is no major change in the form of procedure, but it is clarified and set out in this section of the Bill. Provisions are now made for the transfer, variation and revocation of licences. A good deal, of course, now included in the law was previously dealt with in the regulations and as it is the intention to centralise the administration of industrial licensing it is desirable, I think, that it should be included in this Bill.

THE SPEAKER: It is now half-past twelve, time to interrupt business. I understand one Member wishes to move an adjournment.

ADJOURNMENT MOTION

DEMOLITION OF MATHARI VALLEY SHANTIES

MR. MATHU: Mr. Speaker, under Standing Order No. 12, I wish to move that the Council do now adjourn.

Yesterday my hon. friend the Member for Health, Lands and Local Government answered the question in regard to demolition of the shanties in Mathari Valley round about the City of Nairobi and in the course of his reply, Sir, he

did say that it is impossible to control private arrangements between the landlords and the would-be tenants. He also went on to say that, of course, when these private arrangements have been made they will be no compensation and in answer to a supplementary question he said that he hoped he trusted that the landlord will learn a lesson. Now, I raise this matter again, Sir, because I feel that it is of major importance that if the private landowners who allowed these Africans to put up shanties in the Mathari Valley did not do that, the dismal discoveries of the police of *Mau Mau* assassinations and dead bodies and all the paraphernalia of the movement which we are fighting against would not have had a place such as the one adjacent to Nairobi City. It is done now. It is for that reason, Sir, I want to stress this matter, because the reply from the hon. Member seems to indicate that the private landowners are immune when they give opportunities to these people to create conditions which breed crime and *Mau Mau* and assassination. They then can give instructions to people to collect rents and when the authorities discover, they they are left off.

I am aware, Sir, that in reply the hon. Member has given me, he did say that in future the authorities would see that the springing up of these shanties in the future would be avoided but I would like to emphasize the importance of urgent control and urgent dealings with the people who gave consent of the kind that I have described and of the kind that the police and the military discovered in the area that I am referring to now.

I have no sympathy in this case either with those who put up shanties there or private landowners and I feel that if those who put up shanties there have lost in two ways—some have lost their dwellings, some lawful ones also have lost their money—I am not interested in criminal elements—I do think, Sir, that some censure of some kind should be put out to those who give opportunities to the Africans to put up shanties in this area. I do think, Sir, that will be a lesson for the future. Because otherwise I think that from the answer I got from my hon. friend yesterday, others will be encouraged to give opportunities to these ignorant people to put up houses and

[Mr. Mathu]

after they have pocketed the money, the shanties will be demolished then he will be left with the money and the land and they will be left to start again without any hindrance, if I may say so, to their dirty game. That is what I thought I should bring before the Council at this stage.

I beg to move.

MR. JEREMIAH (African Representative): I want to support the Motion and point out, Sir, that it is a pity to see that the men who committed the illegal action get away scot-free and I believe that Government should find out what can be done in future in such cases.

MR. HARRIS (Mr. Speaker, I think it appropriate to intervene in this debate to give a little factual history in regard to the landowners in the east section of the town. In 1950, the Medical Officer for Health in Nairobi and the City African Affairs Officer complained of the growth of Kariobangi and Buru Buru and other villages in that area. It was discussed by the City Council and demolition was decided on as the only possible remedy. The then Chief Native Commissioner intervened and gave instructions, issued I understand, by the Government at the time that no African was to be unhoused in Nairobi, regardless of the condition under which he was living. The City Council then tried another method of getting these houses abolished by endeavouring to institute legal proceedings against the landlords. Unfortunately, as is so often found, it was found that no action could be taken against the landlords unless evidence was forthcoming that rent was being paid. I personally held meetings of all the landlords, whose names that could be raised from the Land Registry. They all of them swore these people were trespassers who had not been paying any rent. Our knowledge was not in accordance with that statement, but as far as evidence was concerned, we could not find the necessary evidence. The City Council in 1950 speeded up its capital works programme for Bahati 2 and Bahati 3 and got on with building in an attempt to re-house people in slum villages. Unfortunately, owing to the attitude of the then active officers of the Government, the City Council were not able to do any-

thing but to prevent building of further houses in the slum areas.

I am sure the hon. nominated African Member, Mr. Mathu, will probably remember towards the end of 1950 when the police went down to those areas and started demolishing all the houses not completed, but orders were given that no houses occupied were to be demolished. I think, Sir, I am heartily in agreement with the hon. Member's suggestion that urgent action should be taken to prevent the landowners exploiting ignorant people as they have done in those areas in the past, but I would like to answer any charges there are against the City Council at that time—I am not suggesting that the hon. Member made them—but they have been made. The City Council made every endeavour to stop this abuse of land, but unfortunately failed.

MR. GIKONYO. There is one point I want to bring up. The hon. Member for Nairobi South did mention the difficulty which has been experienced—the lack of evidence that landowners have been collecting rents. In most cases those fellows who have been in the Mathari valley, they can produce receipts and all of them come from Indian landowners and I think if there is anybody to blame in this matter, it must be Indians, they are the people who are dealing with the ignorant Africans. In some cases they give receipts, sometimes they do not. I think it is the duty of this Government to go into this matter and investigate. Evidence can be available, either the landlord must be prosecuted, or the people compensated. They have lost a lot of money and I forget how much. I think something must be done to the Indian landlords who have cheated Africans. They have taken money, the Africans have lost, and I think it is the duty of Government to create confidence in these people. The people who have put up buildings are not the people who have been living there. They invested money, they put up buildings in good faith. When they have spent the money, they find Government coming in and demolishing their houses. I think something must be done and if evidence is available, compensation should be paid by landlords. I do not know what law says, but something should be done.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I

65 Demolition of—

[The Member for Health, Lands and Local Government]

share the indignation expressed by hon. Members that the landowners who are parties to such illegal agreements should get away scot-free and the other parties should be the only sufferers. I cannot spare any sympathy for the bulk of the inhabitants of the particular villages we are talking about and when I think of the horrible atrocities that they allowed to be committed in their midst, which must have been with their full knowledge, and never reporting to the authorities what they must have known was going on, I think other hon. Members will equally share my feelings of lack of sympathy for any loss which the individual may have sustained. Nevertheless, there may have been amongst those people—I have no doubt there were innocent people who in all good faith had built their houses on land that was offered to them on some sort of financial arrangement. It may not have been strictly rent, or may not have been described as such, but it was, nonetheless, a transfer of money from one pocket to another. I have seen evidence that some of those landowners have made colossal sums of money during the past three years from allowing these houses to be built illegally upon their land. I have assured the hon. Member, privately that I will go into the legal position with the legal advisers to the Government, and with the City Council Officers of Nairobi in order to see what legal measures can be taken against these landowners who have been acting illegally in so reprehensible a manner. (Applause.) I cannot say off-hand what that legal position may be, but I will assure hon. Members again that it shall be investigated and if by any means legal action can be taken, I will endeavour to ensure that it is taken.

MR. MATHU: Just to say how pleased I am for the support from the hon. Members of this Council on this, and to say that I hope the investigation that Government will make will be successful to see that there is no repetition of a thing of this kind. I would like to repeat what I have said before—that I have no sympathy with these people who have been in that area when the atrocities and the dismal discoveries of the police were brought to light. I condemn them and the whole situation there with all my heart. At the same time, I do not think we

should leave matters there, because the future is actually the time that concerns my moving of this Motion. Thank you.

ADJOURNMENT

THE SPEAKER: To-morrow is the Private Members' Day and Private Members' Motions will take precedence and the next business after that will be the continuation of the opening speech of the Member for Commerce and Industry on the Industrial Licensing Ordinance.

Council will now stand adjourned until 9.30 a.m. to-morrow morning.

Council adjourned at forty-five minutes past twelve o'clock.

Thursday, 7th May, 1953

The Council met at thirty minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table—

Instrument under Clause XXIV of the Royal Instructions.

East African Fisheries Research Organization Annual Report, 1952

Report of the Desert Locust Survey and Control (1st October 1950—31st December, 1952)

East African Income Tax Department Annual Report, 1952

(By the Chief Secretary)

The Pensions Ordinance, 1950 (No. 14 of 1950), The Pensions (Amendment) Regulations, 1953

Schedules of Additional Provision Nos. 10 and 11 of 1952

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya (No. 2 of 1953)

Supplementary Estimates of Expenditure of the Development and Reconstruction Authority (No. 2 of 1953).

Road Authority Annual Report, 1951.

(By the Member for Finance and Development)

Educational Department Annual Report, 1951.

Printing and Stationery Department Annual Report, 1952

The Transport and Road Haulage Wages Council (Establishment) Order, 1953

(By the Member for Education and Labour)

Lands Department Annual Report, 1950 and 1951.

(By the Member for Health, Lands and Local Government)

NOTICES OF MOTION

ADOPTION OF NEW STANDING ORDERS

The Chief Secretary: Mr. Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED that this Council do adopt the new Standing Order No. 103 and the heading thereto as set out in the Instrument under Clause XXIV of the Royal Instructions made by His Excellency the Governor on the 6th day of May, 1953, and laid on the Table of this Council.

ALTERATIONS OF BOUNDARIES OF TSAVO NATIONAL PARK

The Member for Agriculture and Natural Resources: I beg to give notice of the following Motion:

WHEREAS on the 22nd day of February, 1952, this Council resolved that consent be given to the alteration of the boundaries of the Tsavo National Park as described in Proclamation No. 17 of the 2nd day of April, 1948, to include the areas described in the Schedule to the Resolution;

AND WHEREAS the Governor considers it expedient that in lieu of the alteration of boundaries referred to in the said Resolution the boundaries of the aforesaid Tsavo National Park shall be altered in the manner hereinafter appearing:

AND WHEREAS the Trustees of the Royal National Parks of Kenya have consented to such alteration of the said boundaries:

BE IT RESOLVED, THEREFORE, in accordance with section 4 of the Royal National Parks Ordinance that this Council do consent to the alteration of the boundaries of the aforesaid Tsavo National Park by adding thereto the areas of land described in the First Schedule hereto and by deleting therefrom the areas of land described in the Second Schedule hereto.

EAST AFRICAN INCOME TAX (MANAGEMENT) ACT, 1952

The Member for Finance and Development: Mr. Speaker, I beg to give notice of the following Motion:

BE IT RESOLVED that this Council approves of an Order being issued by the Governor under sub-section (2) of

[The Member for Finance and Development] section 11 of the East African Income Tax Management Act, 1952, exempting from income tax the income of the Tea Board of Kenya established under the Tea Ordinance, 1950.

CIVIL AVIATION—EXPENDITURE ON GROUND SERVICES

The Secretary for Commerce and Industry: Mr. Speaker, I beg to give notice of the following Motion:

BE IT RESOLVED that this Council approves the basis of financial settlement with Her Majesty's Government and the principles of apportionment of expenditure between the East African Governments in relation to the costs of civil aviation ground services and meteorological services as set out in the Paper on Civil Aviation—Expenditure on Ground Services, laid before this Council on the 6th May, 1953.

AFRICAN HOUSING FUND CREDIT

The Member for Health, Lands and Local Government: Mr. Speaker, I beg to give notice of the following Motion:

BE IT RESOLVED that with effect from the date of operation of the African Housing Ordinance, 1953, the moneys standing at that date to the credit of the Housing Fund established under section 4 of Housing Ordinance (Cap. 142) be paid over to the Housing Fund established by sub-section (1) of section 6 of the African Housing Ordinance, 1953.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 102

MR. MATHU:

Will the Chief Secretary state the number of new police posts and Administrative sub-stations established during the Emergency in the three Kikuyu districts of South Nyeri, Fort Hall and Kiambu and the total number of acres used for the purpose? Will he also state whether the landowners have been compensated and if so will he indicate in what form?

The Chief Secretary: Thirty-three new police posts, seven Administrative sub-stations and two permanent Administrative camps, have been established so far in the three Kikuyu districts of

South Nyeri, Fort Hall and Kiambu. Information as to the total acreage concerned is not yet available, and the landholders have not yet been compensated, but assessment of the areas and their compensation value are at present in hand.

Mr. MACONOCHE-WELWOOD: Mr. Speaker, arising out of that reply, in view of the fact that a large number of the Kikuyu tribe are in rebellion, is it either usual or necessary to compensate them for the steps necessary to arrange that the Queen's peace is still kept in that area.

The Chief Secretary: Mr. Speaker, it is necessary under the laws of the land for this procedure to be followed.

QUESTION No. 91

MR. MATHU (in the absence of Mr. Tamenoi):

Will the Member for Agriculture and Natural Resources state if the Government is prepared to introduce legislation to amend the Veterinary Surgeons Ordinance, 1951, to enable Makerere Veterinary graduates to be registered under this Ordinance. If not, will he state reasons, having regard to the Medical Practitioners and Dentists Ordinance (Amendment) Bill, which seeks to extend a similar privilege to Makerere Medical graduates?

The Member for Agriculture and Natural Resources: Until the Diploma in Veterinary Science awarded by Makerere College has been recognized by the Royal College of Veterinary Surgeons as a registrable qualification Government is not prepared to amend the Veterinary Surgeons Ordinance to provide for the registration of Makerere veterinary graduates. Local recognition of Makerere veterinary graduates will, however, continue to be afforded by the Veterinary Surgeons Ordinance in that they, and other persons possessing certain veterinary qualifications not recognized by the Royal College of Veterinary Surgeons, if suitable and eligible to be licensed as veterinary surgeons.

The extension of the privilege of registration to Makerere medical graduates, foreshadowed by the Medical Practitioners and Dentists Ordinance (Amendment) Bill, is the result of a

[The Member for Agriculture and Natural Resources] recommendation from the General Medical Council in the United Kingdom. This recommendation followed a full investigation of the curriculum and teaching facilities of the Makerere Medical School by a panel of visitors nominated by the General Medical Council, but no such investigation or recommendation has yet been made by the Royal College of Veterinary Surgeons. When the Makerere College Council considers that the development of their Veterinary Faculty has reached an appropriate stage they will doubtless invite such an investigation, as a result of which the situation can be reconsidered.

QUESTION NO 92

MR. MATHU (in the absence of Mr. LAMSON)

Will the Chief Secretary state who the itinerary of the East African Royal Commission during its preliminary visit to Kenya was not published as was done in the case of Uganda.

THE CHIEF SECRETARY: It was not considered that publication of the itinerary of the preliminary tour of the East African Royal Commission would further the purpose of the tour which was to enable the Royal Commission to obtain an overall picture. It was also considered that, in view of the State of Emergency, there were disadvantages in publication.

MOTION

EAST AFRICAN REPRESENTATION AT INTERNATIONAL DISCUSSIONS

MR. HARRIS: Mr. Speaker, Sir, in moving this Motion, I would like your permission and the permission of the Council to make a small amendment which I believe will make it easier for this Council to dispose of the Motion in the quickest possible time. I suggest, Sir, that the words "official and non-official" be deleted and the word "direct" be inserted before "East African" in the first line. The Motion, therefore, reads, Sir: "That this House urges that direct East African representation should be made available when treaties or international agreements affecting the trade or economy of these territories are under

discussion, particularly those which may entail an obligation or commitment likely to affect East African trade, costs of production, or the flow of capital to these territories".

This Motion, Sir, is indicative of the fact that East Africa is growing up, both politically and commercially and I have tabled it as a result of the deliberations of the Association of the Chambers of Commerce of East Africa last September where a similar Motion received unanimous support. It has been felt for some time, Sir, that these territories are subject to many international agreements and to date they have had very little say in the deliberations leading up to those international agreements. I mention particularly the Congo Basin Treaties which are liable of revision and also the Labour Conventions of Geneva. It is my belief that East Africa can now produce men who are capable of putting forward the East African point of view on these occasions and are quite capable of negotiating agreements. Just as a few examples I would mention that the hon. Member for Finance seems to have held his own very well in recent years in raising loans in the City of London and in negotiating at a high level. The hon. Member for Commerce and Industry might be termed "Kenya's Head Salesman" in view of the success he has received in selling Kenya's agricultural products. The hon. Secretary of Commerce and Industry must surely be, in all of Africa, the most experienced junior Minister in Parliamentary affairs. The hon. Mr. Cowie has, Sir, represented the territory on tourism and has met with nothing but success.

Finally, I would mention one member outside this Council, Mr. Southall of the Uplands Bacon Factory who has concluded on two occasions most successful negotiations for the sale of our bacon products.

I think we have men of the right calibre to negotiate on an international basis.

I do not wish to take up the time of the Council, but merely to say that I have suggested my small amendment in the belief that if the Council accepts this Motion, it would be automatic that Government would, in fact, consult Officials to make sure that the best man

[Mr. Harris] is chosen for each particular job. I think more is unnecessary as the Motion itself is self-explanatory.

I beg to move.

MR. USHER seconded and reserved his right to speak later.

Question proposed

THE CHIEF SECRETARY: May I first take the liberty of congratulating the hon. Mover of this Resolution on his welcome width of vision in the use of the term "East African". I appreciate the origin of this Motion indicates the use of that term, but at the same time it is very gratifying to hear that term and the absence of petty parochialism, if I may say so.

I do not see any misunderstanding, Sir. I feel I should explain briefly the constitutional position—the general constitutional position—regarding the negotiation of treaties and international agreements. As regards representation, only Her Majesty's Government, being responsible for their international relations, can represent, in the technical sense, Colonial territories in negotiations, conferences or organizations of which the members, or participants, are sovereign states.

Having said that, Sir, may I refer to an administrative aspect as regards representation in the non-technical sense. As the hon. Mover had mentioned, it has been, on a number of occasions, the practice to associate advisers from Colonial territories with the United Kingdom delegations in negotiations and conferences of the nature under consideration. I hope, Sir, with him, that it will continue to be the practice. On such things as the Congo Basin Treaties, I think I am correct in saying that at the time they were negotiated communications were somewhat more difficult than they are to-day.

There is a further point, Sir. As a general practice of Her Majesty's Government, no treaty or international agreement affecting or likely to affect the trade or economy of any territory for which Her Majesty's Government is responsible would, in the normal course of events, be extended to any territory without the Government of that territory

being consulted in advance. Moreover, in order to create opportunities for such consultations, if it has not been possible at an earlier stage, it is customary where appropriate for a Colonial application clause to be included in such treaty or agreement, the effect of which is to defer the application to that territory until it is specifically applied.

Subject to the reservation of the constitutional position, the Government is prepared to accept this Motion in the terms framed.

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

MR. HARRIS: Very briefly, Mr. Speaker, there is no suggestion of changing the constitutional position. I would have spoken longer if I had meant that.

The question was put and carried.

MOTION

MASS MOVEMENT OF KIKUYU

MR. COOKE: Mr. Speaker, I beg to move "that this Council requests Government to inquire into the responsibility for the mass movement, both compulsory and voluntary, of the Kikuyu from the European Areas to the African Areas."

Sir, at the beginning of December last—that is over five months ago—several Members of this Council drew the serious attention of Government to the evils that would flow from a mass movement of the Kikuyu from the settled areas into the reserves or, I should say, into Kikuyuland. Noticeably the hon. Member for Kiambu and the hon. Mr. Mathu, and myself drew the attention of Government to this menace, and I received an assurance from the hon. Member for Native Affairs that he was fully alive to the seriousness of this situation, and I thought it was implicit in saying that, that he himself would see that this mass movement did not take place.

Subsequently in one or two Motions in the early part of the year in this Council the same matter was brought to the attention of this Council in emphatic language, and in reply to a question which I gave to my hon. friend, the Member for Agriculture and Natural Resources, he replied as follows: The second part of this question:—

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"I refer to the second part of the hon. Member's question. I would say that Government is fully alive to the serious setback to development which might be occasioned by any uncontrolled, large-scale influx into the Kikuyu land unit and it is therefore the policy of the Government to make every effort" (emphatic words) "to arrest any wholesale movement of Kikuyu from the settled areas into the Native Land Unit."

Now, Sir, I understand, too, that the district commissioners in the Kikuyu country were all adverse to this movement of large numbers of Kikuyu into the Kikuyu areas, and I would like at this moment to pay my own tribute to those district commissioners for the very great courage and the tremendous sense of humour under the difficult situation, and for the humanity they have displayed from the beginning to end in this particular matter, so that any words I use to-day are in no way a reflection on those officers.

Now, Sir, later on, His Excellency the Governor in a broadcast in Kenya in the middle of February used these strong words—

"Should many thousands of Kikuyu suddenly be turned off the farms and out of the forests in the settled areas, more especially from what have hitherto been the less troubled areas, the reserves would be swamped and the result would be a horde of hungry men, women and children wandering round the country. These would soon become desperate and swell the numbers of existing gangs and form new ones, many of which would undoubtedly operate in the settled areas as well as from the forests and reserves. We would then justly be accused of having shown great inhumanity and incidentally no advantage would be gained. The economic condition of the country would be very seriously jeopardized and the day of the final destruction of the gangs would be postponed."

That very strong emphatic language was used by His Excellency the Governor in a broadcast and as I will show subsequently, later on, the very day after His Excellency had used this language, steps were taken in South Kinangop in particu-

lar which would inevitably have the result of swelling the movement into the Kikuyu reserves, so that in spite of His Excellency's advice—or indeed I must say warning, for advice coming from His Excellency is equivalent to a warning—this mass movement—my hon. friend, of course, would call it phased—was allowed to go on, but I shall come to that matter later on.

Now, Sir, I am dividing this Motion—my consideration of this Motion—into two parts. I am considering first the compulsory evacuation from the settled areas. Following the Leshau incident, when that ward near Thomson's Falls was evacuated, in my opinion the country was incorrectly or wrongly seized with a sort of panic, and I do not think that Government displayed that evenness of purpose, that moderation under a difficult situation it might have shown, but they consented that this Leshau Ward should be completely evacuated, and in spite of the fact that a number of those farmers in that area had—one can only say, entered into a tacit conspiracy with their squatters to disobey the law, because some of those farmers had three or four times as many squatters on their land as were entered in their books, than were legally on their pay roll and reported to Government, yet in spite of this fact they were encouraged, or tacitly encouraged by Government agreeing to pay two-thirds of the wages of these squatters so that they could be evacuated and returned, first to the transit camps, and then to the reserves.

Now, it could be asked why I should hold anyone responsible for these measures if I myself, and others, could not suggest what might have been done in the circumstances. What I would personally have advised in the circumstances in a matter such as this was for Government to have put down a stop order on any movements and then that they would have vigorously screened these squatters and divided them perhaps into three divisions; firstly those who are found to be in nowise connected with any kind of subversive movement. They should have been put into villages and kept on the farms. Number two, the younger men who might have been difficult to control in villages. I would have formed them into labour battalions where they could do useful work instead of spending time in these transit camps. The

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people who were obviously belonging to terrorist gangs against whom, at any rate, suspicion was felt, should have, in my opinion, been at one transferred to places like Mackinnon Road where they could have done clearing in the bush and we could, at any rate, have got something back from their work in these desert areas. But no such thing was done. They were put into transit camps full, of course, of suspicion and hatred and everything else against people who had compelled them to go in there, and naturally they were kept more or less idle, because it must have been impossible to find work for them. They were hoarded into transit camps. I am making no charge whatever against the people who ran these transit camps. I believe they ran them as far as humanly possible in a kindly and firm manner, but nevertheless the reputation will live for years about these transit camps, and they will probably get the reputation of the concentration camps after the Boer war, memories of which live even to-day. There was every reason, Sir, why we should have taken strong steps to avoid such a position as subsequently arose.

Now, these Kikuyus—on Government's own confession, I think they come to something like 70,000 men, women and children, and that, of course, not including probably people who could not get into that count, but probably, a modest estimate would be 100,000 Kikuyus, men, women and children—it was proposed to put back into the already overcrowded Kikuyuland. Now, that roughly is 8 per cent of the present Kikuyu population, and it means that with the natural population increase of 2½ per cent per year, we, in six months, have increased that by 8 per cent in six months, and there must inevitably be very serious overcrowding and very serious discipline amongst those people. They will not be received with open arms by the people already there, although in the long term policy it might be possible to fit them in—I do not personally think it would be—it is a short term policy at the moment that we have before us.

Now, Sir, my main indictment is number two, and that is, the implementation of the Regulation enacted in January last concerning the History of Employment. One would have thought in such a delicate

position and after the advice of the Governor—indeed the injunction of the Governor—every possible effort would have been made to have restricted any further movement of Kikuyus from the settled areas; but no, this measure was enacted and when it was enacted—I must say that in January most of us thought it would be put into force only after sufficient propaganda and that it would be done very quietly, and that the reasons for it would be explained to the Kikuyu, and that, indeed, it would not be forced probably on any Kikuyu except those who were seeking work—but no, the forces of authority on the very next day after the Governor made his important broadcast, they swept down, literally, on the South Kinangop farms. They certainly, within the knowledge of myself and other farmers there, without any previous notice, they proceeded to order these Kikuyu labourers to have their photographs taken. I mention my own instance, not because I want to bring anything personal into the matter, but because I know the facts are true, and it is an illustration of what happened on other farms.)

Now, Sir, when I was in Mombasa I received a telephone message saying that my farm had been raided and that five Africans had been arrested because they refused to be photographed. Now the same thing happened on a multitude of other farms. No previous notice was given to me of Government's intention to visit that farm on that particular day. I may say I received a handsome apology from the Deputy Chief Secretary for this occurrence, but apologies do not make up for anxiety and expense caused by actions of this sort. Now, as it happens, Sir, I have had from the very start of this Emergency, Kikuyus, and I have no intention of getting rid of these men unless they leave of their own accord. Now, of those five men three had been either with myself or my predecessor, Mr. Allen, who used to be Commissioner for Labour here, for 20 years, and they had a fine record indeed of service—they had been loyal, obedient, active in their work and in every way most satisfactory. Now, the three of them who had been 20 years, had retained, on my advice, the second half of their registration *kipandi*, in other words they were people who were prepared to keep the law. They had not

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burned the second half, they were thoroughly registered, they had a record of service lasting over 20 years recorded on their *kipande*, and yet those men, after this record of service, were seized and given, I understand, four months' rigorous imprisonment.

Now, I am illustrating that, Sir, merely as an example of what happened at that time and the lack of consideration shown not only to the employees but to the employers, by the Kenya Police Reserve, I suppose, who were involved, and other members of Government.

Now, one would have thought, as I said before, that in dealing with a ticklish matter like this, one would have avoided anything that might lead to exasperation or in any way increasing the problem before us. But no, these men were taken together with hundreds of others they joined the exodus from the farms into the Kikuyu area.

Now, I can hardly imagine anyone with any experience of this country being so inept and so stupid as to adopt a policy of that nature which must inevitably lead to what it has led to, crowding of the reserves, mass discontent, increase of the ranks of the rebels. Indeed if Government had wrongfully and wilfully intended to increase the ranks of the rebels they could not have done it in a more efficient manner. They presented these people with grievances and said: "Go along with your grievances and possibly your friends the rebels will look after you". That seems to me to be the very negation of good government in this country. We know—at least we were informed by Government—that the Lari massacre was in a way contributed to by people who had been squatters, who had left the farms. Sir, the consciences of some must be pretty uneasy over that terrible affair. The fact of the matter is, Sir, that this matter, like so many other matters in Kenya to-day has not received proper consideration. It must have been one of these panic measures which had not really been properly considered and the purpose of my bringing this Motion to-day is to find out who is responsible for such a policy being adopted, first of all for the policy of allowing this compulsory evacuation to take place, which, as I have attempted to show, was not necessary, and number two, for deliberately bring-

ing in a measure which they must have known—anyone must have known who has been a few years in this country, and who knows the history of the *kipande* and the exception, rightly or wrongly, which many Kikuyus have taken to registration. They must have known it would lead to this exodus, and indeed we have indications that they did know, because it is said that this evacuation was stopped, the law was not enforced, because it was found that so many were leaving that it was becoming an embarrassment to Government. We had, Sir, one farm—and this is a queer indictment of the people who want law or discipline in the country—you would have one farm which had not been visited by the Labour Officer with all its labour intact, and the next door neighbour with all its labour gone. If anything would lead a Kikuyu or any other African to cock a snook at Government, it would certainly be this, that they suddenly purged—temporarily at any rate—to this measure of registration, of photographing, and allowed large numbers of Kikuyus to remain on the farms. As far as I am concerned I am glad that one of my boys has been returned, but it is not the way to administer a country like this. Either Government should not have begun the measure, and I think that would have been the right thing to have done, but having begun it they are naturally bound to carry it out, but I would express the hope, Sir, that when they carry it out in future, they will do it with more consideration for employers and employees than they have shown so far.

I have nothing more to say, except to ask that in consideration of similar matters in future more realization of these problems should be shown. As it is I have no hesitation in calling Government's policy a complete negation of good government, a negation, I would say, of public policy, and, Sir, I think really the very negation of humanity itself, because these unfortunate people, men, women and children, were driven in masses to go back to African areas already overcrowded, and where they could not possibly hope to get a good reception.

Dr. HASSAN seconded.

Question proposed.

Mr. SLADE (Aberdare): Mr. Speaker, while I oppose this Motion, I welcome

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as an opportunity for clearing up a great deal of misunderstanding and I might say, I think, nonsense that has been talked about this movement of Kikuyu back into the Kikuyu reserve. The inquiry which the hon. Member for the Coast demanded by this Motion is, in my submission, quite unnecessary, because we all know quite clearly the responsibility for this movement.

MR. COOKE: I do not!

MR. SLADE: Well, I will tell my friend.

The responsibilities are these—first *Mau Mau*, secondly Government who initiated certain measures to cope with *Mau Mau*, thirdly the farmers and we who urged the farmers in this Council and urged Government to take those measures.

Now, it is right that when Government acts on representations from people seriously affected, when we urge Government to take that action we share the responsibility and we gladly do so in this case. It is also right that we, who often have to criticize Government, should when we have an opportunity of appreciating what Government has done, should do that also I do to-day.

Though we may not approve altogether of the execution of policy that the Government adopted in this matter, in fact I think we have been fully justified in criticism of delay and vacillation, particularly as regards enforcement of force and the vacillation my friend referred to in the matter of photography, still, we are grateful to Government for having adopted the broad policy which we urged in this matter. It was then in our view, and it still is in my view, the only policy that could be adopted. Let us consider how we stood when this Emergency was first recognized. We had in the settled areas, particularly in the Rift Valley Province and Mount Kenya, thousands of Kikuyu employed on farms among comparatively few white men; on many farms exclusively Kikuyu; and we knew that the very great majority of those Kikuyu had already taken the oath of *Mau Mau*. We knew that quite a considerable percentage of those who had taken the oath were fanatical enthusiasts for *Mau Mau*. We knew that the rest, if not fanatically enthusiastic, were bound to act on the direction of

their leaders. Now, that was an impossible position and something had to be done. The only thing that could be done was to remove somehow from the settled areas this dangerous element. Dangerous not only to the European farmer, but also, and quite as important, dangerous to the few Kikuyu who were trying to remain loyal and clear of this oath. So movement became necessary in what one might call two categories. The first were the operational necessities—the necessity of clearing away completely those Kikuyu resident in forest areas or in other places where they could give unlimited assistance to the enemy who came to attack the farms—the men who lived scattered in thick bush and forest providing food, information and shelter for the terrorists. They had to go and they were taken and they had to go 100 per cent, because it was important at that stage to distinguish the sheep from the goats. That distinction of sheep from goats has been one of our greatest difficulties throughout this Emergency.

Next it became important that as quickly as possible we should purge from the settled areas those not only proved to be members of *Mau Mau* but those suspected of being active members of *Mau Mau* so that that rot would not spread to all Kikuyu. There again, I say as much for their protection as for the farmers, but Government quite rightly adopted that policy, unfortunately they adopted it so late that the regulation brought in at the beginning of March was too late. If introduced in November when first asked for it might have done a great deal to save the voluntary movement which followed that third phase of movement—it is the voluntary movement—to which my hon. friend referred, and that voluntary movement was due primarily—I say this with absolute certainty—primarily to the machinations of *Mau Mau*. Now you will hear many reasons given for that movement, and you have heard many, you have seen many printed in other places. Very few of them should be believed. If you ask a Kikuyu labourer why he is leaving his employer's farm he will give you a multitude of reasons. He will say—it is because the Kenya Police Reservists have been unkind to him; he will say—it is because he wants to go and see a sick mother in the reserve; he will say it is

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because he is afraid of losing land in the reserve unless he goes back and looks after it, or he is afraid he is going to be photographed and have a spell cast on him and be bound for ever to his employer's farm. Endless reasons of that kind, but the underlying reason is that *Mau Mau* told them to go. *Mau Mau* told them to resist any form of discipline imposed on them, whether moving into villages for protection or photography for proper registration—that was the real reason. They knew that was the real reason and that was why they went. They went because they would not take discipline, or went because the influence of *Mau Mau* meant more to them than the influence of their employers. That is not the fault of Government nor the fault of the employer, and let us be quite clear on this, that the attitude of the employer to these men, and the attitude of the employer throughout the settled areas has been "we must get rid of those who are here to create trouble, but we must, if we can, save the decent men among our Kikuyu employees who have served us faithfully for many years—save them from the terrible mistake of following *Mau Mau* and throwing up the security they have with us for the honours of the reserve". They tried to do so. They have done all they could to explain to their employees why photography was something they need not fear—that a history of employment with a photograph attached was something worth having for good employees, while enclosure in the villages was something worthwhile to the employees—protection from *Mau Mau*, instead of working with *Mau Mau*. They tried to explain these things. In some cases the explanation has been accepted, in others, the influence of the enemy has been too great and that is why they went. It may be that the handling of the going was not too good but it was a big thing to handle at the rate at which it came. It had to be faced and not stopped. Not stopped, I say, Sir, because if you have on your farm 70 per cent or 80 per cent Kikuyu labour and they all want to go because *Mau Mau* told them to and you try to stop their going, you are in the position of not only having to feed men who do not want to work for you and will not work for you, but you also have then men who want to cut

your throat. That is a lot to ask a farmer that he should keep those people no matter how much he tried to persuade them they were fools to go.

In this matter of photography we did for the first time see the separation of the sheep from the goats for which every one has always strived, and the objection to photography has only arisen because there were so many caught which was a shock to all of us, but the principle of the policy is still right and I am glad that it is still being pursued. In deciding a policy beforehand, especially working in the dark, you have to guess, you have to make shots at what is the right move. It may be easier afterwards to say what should have been done, as my hon. friend has done, but actually I maintain that Government in this case has made the right move, and that is borne out not only by the views of my constituents who now, although they are short of labour, have remaining on their farms for the most part Kikuyu who they think they can trust and Kikuyu who are making no more trouble and there is beginning to be a sense of security in the land, but also more important, I think, from the mouths of the loyal Kikuyu themselves because now we are beginning to hear for the first time the views of, our Kikuyu employees who remain. In some places there are not very many—I have been lucky on my farm—I am still 100 per cent Kikuyu, but wherever they now have the courage to talk what they say is this: "There are still bad men among us, for Heaven's sake get them away from us as quickly as you can. We live in fear of our lives still. Even if there are not bad men on this farm, there are some on the farm next door. For Heaven's sake put us into villages if you have not done it already". I may say, Mr. Speaker, that my headman said that was the one good thing the Government had done—putting them into villages. They say: "For Heaven's sake go on with photography. You have been getting rid of bad men that way. Do not do it on one farm and leave it on the other—go as fast as you can to all of us". That is what the loyal Kikuyu says who has had the courage to stay, and seeing that these men and women all had to go—or were fools enough to go—some of us may not think *Mau Mau* was very clever in its policy of making them

[Mr. Slade]
go. Where were they to go? I fully endorse the Government's policy again that the only place for them to go was the reserve—the place from which this trouble originated, the place where it must be concentrated and ended, where it is now being concentrated and will soon be ended. If Government will only show determination and no more vacillation in seizing the opportunities that now lie before them, and so I oppose this Motion.

MRS. SHAW (Ukamba): Mr. Speaker, I rise to support my hon. friend the Member for Aberdare on everything he has said so extremely ably over the history of the movement of Kikuyu. I shall not waste the time of the Council by covering the ground which he has done so extremely well. I only wish to take up the one point made by the Mover of this Motion, which I shall oppose, by saying that I do not agree with the Mover when he said there was no need for the photography of the Kikuyu. In this I would like to make my position quite clear and those of the people I represent in Nyanza Province who feel that the photography of Kikuyu and the history of employment pass for the Kikuyu is an essential if the people who employ Kikuyu in the future in provinces outside, and not contiguous to the Kikuyu reserve, or indeed, anywhere in this Colony are to be safeguarded and if the loyal Kikuyu themselves are to be enabled once more to have a testimony to their loyalty and thereby to obtain work. The only thing—the only indictment I will place against the Government in this is that the manner in which this photography has been done, and here I must say that I think it has been a tragedy that when they started on the photograph of the Kikuyu they should have not carried on until that was completed. Because in my Province, in particular, they have had the greatest support from all the settlers; the loyal Kikuyu were very pleased indeed that they were to be photographed. We have in fact done about two-thirds of our Kikuyu who number, I believe, somewhere about 6,000, and just as we had nearly completed the operation the whole thing was stopped—not, I believe, because of what happened in Nyanza where I think there were only 390 people on

remand for refusing to be photographed, but because of what had happened in the Rift Valley and I think it was the greatest mistake because it could not be interpreted in any other way by the other tribes and indeed by the Kikuyu themselves except as weakness and vacillation on the part of Government. There, you have created the most extraordinary anomaly. Here you have in some parts of Nyanza in the same district a farm on which half the employees are now in jail—(Laughter)—employees serving a sentence of six months. I believe, I am not quite sure, about the length of the sentence, for refusing to be photographed, and the other half have been told they no longer need to be photographed for the time being.

MR. COOKE: You are supporting me.

MRS. SHAW: Yes, I am supporting the Mover in the second half in this contention, that when photography started, it should have been continued. It has put the Labour officers and the district officers in those areas in the most impossible position and it has pointed out—at least it has appeared to other tribes to be nothing but vacillation and weakness on the part of the Government for it looks as if the moment the Kikuyu started to object to photography, the Government have said: "All right you do not need to be photographed". So I only ask that as soon as possible compulsory photography should be resumed for the benefit of, not only the employees, but for the employer and for the loyal Kikuyus. This photography that has been done up to date certainly has, as far as my Province is concerned, combed out a great many of the bad people. We have found two oath administrators who were there without our knowledge. I think it is an essential if the loyal Kikuyu are to be safeguarded and, indeed, the farmers in isolated areas of this Colony.

MR. OHANGA (African Representative): Mr. Speaker, very soon after the State of Emergency was declared in the Colony, a very wise order was issued by Government. It seemed to me to be the wisest order that could have carried us a long way in spite of what followed. The order took effect that Kikuyus, wherever they were, were not to be allowed free movement all over the Colony. If they

[Mr. Ohanga] happened to be in their own reserve at the time of the regulation of the State of Emergency, they will be controlled to remain there. If they happened to be in the settled areas, their movement would be controlled. Then, if they happened to be in other provinces or districts, they would remain there. It seemed to me, Mr. Speaker, that that would have the effect of isolating any danger where it has emerged. But what happened afterwards? When the terrorism and some of these horrid things that have happened in the Colony started to spread, a tendency was created in peoples' minds that terrorism and *Mau Mau* atrocities were going to be levelled against the European settlers by the Africans. We found that in isolated farms, particularly those farms far removed from the main arteries of traffic and so on, people became very anxious and in those places which employed large native labour, they became so anxious that the position became almost intolerable. Now, what developed after that has shown that *Mau Mau* is not strictly speaking a movement against European settlers only. If you count the roll of casualties that have been inflicted upon humanity in this Colony, it will be clear to you that by far the greatest sufferers have been, so far, and perhaps by the time we come to the final recording, the Africans have been the largest losers and the greatest sufferers of the lot. (Hear, hear.) In their society, everybody with authority and concern, tried to do all they could to help the isolated farmers in their places. Personally, I have no quarrel with that at all. If those in the remote areas seemed to be in the greatest danger, by all means, do all you can to help. I, therefore, although I support this Motion, strongly would not emphasize the first part of it, because I know that it will be our duty all the time that wheresoever the enemy was heaviest, we ought by tactics to concentrate there until the bulk of the danger was removed from that area and, therefore, greater assistance, anything that was done to help remove the danger from the isolated housewives at, say, Thomson's Falls or O'Kalou, was quite in order.

I have nothing to say against that, but in my opinion it seems to me that the greatest offender of all this was the fellow who decided "Let's remove the

danger from the settled areas—into the reserves". Why, Kenya is a vast land; you need to only take an aeroplane to Kisumu and you will see how many places there are—fit places for bad people—prisoners. Why remove people you know are dangerous into places where people live without protection of any kind. In my opinion, the greatest mistake ever done in all this was to remove people into the reserves. That was, I am quite sure, I am convinced, that was quite wrong. But what else could be done? Already the hon. Mover has suggested certain things which could have been done, but this is now speaking behind things that have already taken place. Whatsoever you say now would appear to be too late. It is not my opinion that the position has already gone past repair. A good deal could still be done to repair the damages that have been done.

It seemed to me, Sir, that these goats and sheep, as they have been called, that have been dumped back into the reserves are now making life in the reserves a hell for all the loyal people who live there, they could have been dealt with and can still be dealt with now in one or more ways. I would not like to say that now a mistake has been done, it is too late to remedy it, let us remain like that. I feel that there is still time to do something to help the situation. First the numbers of *Mau Mau* adherents have been added to greatly. Those loyalists who still live in the reserve, in spite of the difficulties which they undergo, are lacking food, lacking protection, lacking the ordinary securities of life and enjoyment of life. Cannot we do something about this? Would it be impossible to find out how many were real sufferers and make arrangements for their removal to parts elsewhere where they could lead constructive lives useful to themselves and useful to other people, too? Would it be impossible to find out how many people now form a floating population and find a way of removing them to a specified settlement elsewhere and then try to give them something constructive to do and see if it is not by that that we can lessen the danger for them and find food for them—those who are hungry. Is it impossible to move people who live in the forest? I am quite sure that then there would be the

[Mr. Ohanga] difficulty of food; nobody can live in the forest unless he has means of being fed, somehow, somewhere. Is it impossible to control the situation in such a way that nobody can move, and make quite sure that these people have no means of getting to the reserve, and to find some other way of livelihood so that they can carry *Mau Mau* terrorism further into the days ahead. It seems to me that the situation is not too late—we can do something.

I would like to ask those in authority to help them to help themselves. Day after day we are faced with the incidents which are horrid to look at. We have had Lari; we have had Fort Hall only the other day; we had Nyeri only yesterday; perhaps this evening one more will happen. Each time valuable lives and property are being destroyed. What protection have these people? They suffer and we see we are not even in the position at the moment to find out who is the instigator of all these things.

Regarding Nyeri, we were told about 19 of the loyal Kikuyu people who were killed and not one single terrorist was captured. What protection have they? It seems to me that we are not concentrating our wisdom, our powers, material at the right spots. So, my advice is that we should try to remove people who are the floating population into other areas. Try to find them something constructive to do, then try to find all the things we can fortify the loyal ones so that these are able to stand against any amount of aggression from the terrorists, because we are, in the end, responsible, whether we want it or not. Being responsible, we have to stand for anything that takes place.

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

MR. MATHEU: Mr. Speaker, I beg to support the Motion. I would like to refer to the previous events which led to the situation in which we find ourselves today. When atrocities were committed in the Rift Valley Province against European and loyal Africans, this compulsory movement was initiated and in the O'Kalou and Leshau Ward this was effected as hurriedly as possible. I do not want to dwell on the wisdom of that action, because it happened and I

referred to it in my Motion last February. But what I want to do is to show how that compulsory hurried movement influenced the so-called voluntary movement, and I think I understand—when people are in panic like they were in those days—it is impossible to sit down and calmly plan and see what actions they do are done properly. The Kikuyu families in those areas were separated, men were on a different side of the *shamba* and the wives may be in another area—one will go and rest—children were left behind. Foodstuffs they had in store and in the garden were left behind. The sheep they had were also left behind, wages were not paid and everything was left behind and then what happened—they were taken to the transit camps. Now when then happened, people who heard this would say, "All right, we will be the next, the sooner we get away the better" because understandably the handling of those Kikuyus in those two-three major compulsory movement was very rough and that, Mr. Speaker, I suggest is one of the major causes of the voluntary movement. I am now suggesting that the *Mau Mau* Information Service was not in operation, but why have we not been able to discover a better information service who can counteract the information service of these people—they move on foot but they are better than we are. That I have placed before Government, that up to now Government has not faced it, that is another weakness we have demonstrated to these terrorists in our organization in counteracting matters that are against us and against the country generally. The next incident which encouraged the voluntary movement is photography—compulsory photography of labour. There again *Mau Mau* propagandists went and said, "You have got to have photographs taken; you will remain a slave to your employer for ever, and you will have no place whatsoever in the reserve now". I do not think our propaganda against that was as effective as it should have been, and I think these thugs were listened to by the Kikuyu labour in those areas, more than Government officials who were giving assistance to counteract it. As far as the merits of 'photography itself' was concerned, I have never been convinced my-

[Mr. Mathu] self that it achieved the end it proposed to achieve. On a thin piece of paper—very thin piece of paper in a workman's pocket it would not last longer than a fortnight—it would go into pieces—in my view, as another form of identification, I do not think it is satisfactory. It caused a lot of trouble and has disrupted the economy of the Highlands and of the country as a result. I think it was much ado about nothing.

Now I went to speak to some of the labour in the Naiwasha district on 1st-2nd March on the invitation of the Government. I did my utmost to convince Kikuyus there, that the best thing for them is to stay on the farms, and I think I got a very good response, and I would like here to pay a tribute to Mr Russell, the District Officer at Naiwasha for the way he conducted me on those farms and the patience he took when I answered questions and when I spoke to the Kikuyus, persuading them that they should stay, and again counter-acting propaganda going on in those areas and some of the farmers came to me in Nairobi after that visit and said how well their labour was and they did not want to go, but if the *Kenya Weekly News* is to be taken as the representative paper of the settlers community in the Rift Valley Province—this is what they say in the editorial on Friday, 13th March, and with your permission I would like to read a short paragraph of this:—

"There have been disappointing reports of the hon. E. W. Mathu's recent visit to farms on the Kinangop and in the Rift Valley, where he addressed meetings of Kikuyu squatters. Mr. Mathu is reported by the *East African Standard* to have told them: 'There is no room for you in the reserve. Stay here peaceably and do not make things worse by crowding into the Kikuyu country.' Mr. Mathu strove to controvert various rumours which were disturbing these Kikuyu, particularly in regard to the Registration Ordinance, which requires them to be photographed, and the decision to move squatters into villages.

No doubt Mr. Mathu's influence varied from farm to farm, but it is understood, that, on the whole, the police and the Administration regard the response to his appeals as disappointing. It would seem that Mr. Mathu's influence with his fellows has declined. The response to his broadcast appeal to the Kikuyu tribe on the evils of *Mau Mau* was poor; and now he has proved unable to check the drift of Kikuyu away from farms to the reserve."

Now, Sir, if that is the appreciation of the work that one gives his full time to make some contribution to solving a problem, then the view given by that paper is discouraging. What encouragement can African leaders get out of a thing of that kind?

Further, I would have liked the Editor of the *Kenya Weekly News* to offer his services to check the movement of the Kikuyu from the Highlands and perhaps it would have been accepted by Government. I would have liked him to offer his services to the Director of the Kikuyu home guard, but for people who are working under very great difficulties to try to solve a problem—I think it most unfair to give destructive criticism. Now as far as this side of the situation is concerned, I will leave it at that, and say what has happened has happened. I am not going to castigate either the Government or the representatives of the people, but the movement did happen, what I am concerned with is what are we going to do from now on. There are thousands of Kikuyu now in Kikuyuland and a large number of them, no doubt have brought a lot of trouble. The Lari massacre was the most disgraceful thing that happened—almost coinciding with the removing of the Kikuyu from Rift Valley—the loyalists have been killed, they are the people who are dying now. When my friend the Member for Aberdare said that the trouble is being concentrated and that all the other trouble should be concentrated, does he mean wipe out all the loyalists, and then what? That seems to be the conclusion and so my view is this, we should now deal with the problem in the Kikuyu Reserve. First, we should get land on which these Kikuyus should settle—Cismara, Matthews' Ridge, Tana River and Kiwale—wherever Government wants it.

[Mr. Mathu] We must remove these people quickly and give them land, not land in the reserves. It is important and urgent. Secondly, we must feed these people—we must make sure that there is plenty of food for them. The third thing we must do, is that we must encourage the loyalists by protecting them, giving them protection so that the *East African Standard* would not have headlines—"19 Loyalists Wiped Out". That is a very encouraging statement to terrorists, and I think that, Sir, that the major battle we have now is to encourage Kikuyu guards so that they can come forward—these fellows are terrorists and they must go—but when these guards are wiped out every week, they cannot stand it much longer, they will have to give it up.

The final point I want to make is that in the operational field, I think the military and police and all these people should take Kikuyu into greater confidence, because without doing that they will not get adequate information, they will not be able to check up these people who come into Kikuyu district, who are already there and who are a menace. I should like to appeal to those in the authority to see that people in the field take into their confidence those that they find loyal, they should give them protection.

Mr. Speaker, I beg to support the Motion. (Applause.)

THE SPEAKER: It is now just on Eleven o'clock and business will be suspended for fifteen minutes.

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

MAJOR KEYSER (Trans Nzoia): Mr. Speaker, I rise to oppose the Motion, and right at the beginning I must say one thing. I am surprised, Sir, that at this stage of the situation in the Colony that a man of the standing and presumably the sense of responsibility of the hon. Member for the Coast should make a speech that he has made to-day. He has, Sir, stated that an attempt to enforce a law made by Government has created a sense of hatred and suspicion in the people of a tribe who are to-day in rebellion against the Government. He has stated that the return of Kikuyus back

to the Kikuyu reserve has given them an excuse for hatred of Government and, Sir, I cannot think of anything that could have been done at this moment to encourage the *Mau Mau* movement more than the speech made by the hon. Member this morning, when his position in the Colony is taken into consideration.

Now, Sir, he went so far as to say that certain farmers in the Leshau area who had been under very great strain had wrongly panicked, and I, Sir, for one, resent the term used against a number of farmers who, far from panicking, had shown great courage and great fortitude and great restraint. (Hear, hear.)

He also, Sir, made a statement to say that these farmers had themselves given a certain amount of cause for the situation that arose, by having three or four times the number of squatters that were on their books. How he knew that, I do not know, but I, Sir, very much doubt if that is the case. In fact, I am quite sure it could not have been the case. They may have—their squatters may have brought in a considerable number of retainers unknown to the farmer, and it is extremely difficult for a farmer to keep constant check of retainers and visitors coming on to the farm, but I do not think, Sir, that the figure he was given is anything like an accurate one. I should say it is a gross exaggeration.

He went on, Sir, to attack the Kikuyu History of Employment Regulation. Now, Sir, it does surprise me that it has not been put out to the Kikuyu who had to be registered by Government people, and by others—I notice the hon. Member himself has missed the real point of the whole of this registration which surely was to give the Kikuyu who was outside the Kikuyu reserve, a means of rapidly identifying himself when he was accosted by the forces of security. Had he not had this registration with his photograph on it—on most occasions when accosted by these forces they would have had to arrest him and take him to some place where his identity could have been proved, but, Sir, by having a registration form with his photograph in it, it was quite easy for them to identify him on the spot, and it was quite obvious that would have been of very great advantage to every loyal Kikuyu outside the reserve. The reason, of course, obviously, why

[Major Keyser]

Mau Mau immediately instituted a campaign against it, was because it would have prevented their own chaps coming out of the forests and reserves into areas where Kikuyus were employed, and they could not have passed off as loyal Kikuyu. I should have thought, Sir, that the hon. Member himself would have seen that point.

Sir, the hon. Mr. Oanga supported the Motion and he said that, if I got him right, that the greatest mistake made was to move the Kikuyus from the settled areas into the Kikuyu reserve. Now, the thing that has astounded me about the speech of the hon. Mover, and the speech of the two hon. Members representing African Affairs, who have spoken, is, Sir, that they quite forget that this country is in the position of having a tribe that has rebelled and that that tribe is the Kikuyu tribe, and they seem to spend most of their time and most of their thoughts on trying to protect these rebels against action taken to put down the rebellion. It seems to me a most odd way in the Legislative Council of the country, of speaking to a Motion or trying to keep law and order.

Now, some of the difficulties with which the Government was faced have been very ably put by the hon. Member for Aberdares, but quite obviously, Sir, the great difficulty that Government is in is to know exactly who its enemies are, and an attempt has, I think, been made by the hon. African Members to convince this Council that *Mau Mau* did not exist in the Kikuyu reserve, but existed chiefly in the Rift Valley. They seem to be very concerned about what is going to happen to the people in the Kikuyu reserve if the nasty fellows from the Rift Valley are sent back there, as though, Sir, such a thing as *Mau Mau* did not exist in the Kikuyu reserve, but who, I would like to know, committed all those murders in the Kikuyu reserve including some very loyal and able chiefs, which led up to the declaration of the State of Emergency?

Sir, one of the greatest difficulties, as I said, is knowing who the enemies of Government are. Now we have had a vast number of instances of this, and there is very great proof that the gangs that are operating in the Aberdares, in

the Kikuyu area and in some of the settled Areas, are led by the Kikuyu people who are on farms or in forest areas.

Now, Sir, if that does not justify drastic action being taken against them, then I do not know what does. Their plea is always that they were forced to do this by the *Mau Mau*, and by the amount of excuses that come out of the Kikuyu reserve and from these people in the forest areas, of the way in which they were forced to commit murder, and so on, one would imagine that 10 per cent of the Kikuyu reserve has forced the rest of the Kikuyus into rebellion, and that the other 90 per cent cannot put it down. If the inference of the hon. African Member is that the majority of the Kikuyu tribe are loyal, then, Sir, how is it that this majority of loyal Kikuyus with the vast number of troops and police that are working against the rebellion cannot put down this rebellion in eight months? The real reason why the rebellion has gone on is that the vast number, and I should say somewhere in the region of 90 per cent, of the Kikuyu tribe are supporting the rebellion and let us keep that in mind, and be realists about the thing, because unless we are going to be realists and keep that in mind then we cannot deal with this rebellion.

The hon. Mr. Oanga again, Sir, wants to know whether it would not be possible to find out how many people the Kikuyu reserve can carry and move the surplus. Why, Sir, in the middle—right in the middle of an affair that is straining all the resources of Government to deal with it, should they be asked to find out where these surplus people can be put. I agree, Sir, that the Kikuyu tribe is going to suffer very greatly by the congestion that is going to take place in the reserves, by the lack of food that is going to take place in the reserves, and by the amount of strife that is going to take place in the reserves, and all I can say, Sir, is that they brought it on themselves and unless they are going to suffer, and suffer very considerably, they will not see the advantage of putting down this rebellion and of supporting Government.

He wanted to know, Sir, why Government have not produced a better information service than the *Mau Mau*. Well,

[Major Keyser]

Sir, I will tell him the reason why Government have not been able to produce a better information service—and I presume he meant also had greater success with their propaganda than the *Mau Mau*—is that the vast number of the Kikuyu people in this Colony to-day are more inclined to listen to, and to follow the advice given to them by *Mau Mau* than they are to follow the advice given to them by Government, and that is the reason why their information services are so very much more successful.

He says, Sir, that the History of Employment Registration is not a history. No, it merely gives the facts of the person on whom the history is going to be recorded, and the person owning it has now got to make history. (Laughter.)

He feels, Sir, that his efforts in attempting to stop the movement of the Kikuyus from the settled area into the reserve was not appreciated. Well, Sir, if it was not appreciated, I do think that it is perhaps his fault. Perhaps he feels that he put it in a certain way and was doing very well. Well, evidently the people he was talking to did not, since, Sir, a vast number left even after hearing him, and, secondly, some of the people on whose farms he spoke did not think he put it strongly enough or in an attractive enough form, and why he should now object to certain criticism about it, I do not know. If he is going to take a great part in public affairs he must sometimes expect criticism. Why he should resent getting some criticism from a European settler's paper, surely to God, Sir, the European settlers of this country have had sufficient not only criticism, but sufficient lies written about them to excuse one, perhaps, form of justified criticism in a European paper.

He thinks the most disgraceful thing that ever happened was the compulsory return of Kikuyus back to their reserves. Now, Sir, that will give you an indication of the relative importance of events in the minds of the hon. African Members, and possibly the Mover, who said "Hear, hear". How, Sir, can he say in comparison to the Lari massacre that the most disgraceful thing that has happened was the return of the Kikuyus to the Kikuyu reserve.

"MR. COOKE: It caused the Lari massacre.

MAJOR KEYSER: He goes on to say that land should be given to the Kikuyus to move into, so as to relieve them of the pressure which is now being put on the land, and that they should be fed. In other words, Sir, rebellion pays dividends. Well, I, for one, will not be a party to paying out any dividends to rebels.

He said, Sir, that the loyalists must be protected. Now, Sir, I have the greatest admiration for the Kikuyu loyalists. (Hear, hear.) They have shown the greatest courage that could be shown against their own thugs—their own people—who try to murder them and who have succeeded in murdering them, but the trouble about the loyalists is that there are not sufficient of them. If there were sufficient of them they could very soon stop being killed. I would like to see the hon. Member go back to his reserve and try to increase the number of loyalists in their activities against the *Mau Mau*.

Sir, I have been wondering what the motive of the hon. Member was in moving this Resolution, and there was only one conclusion I could come to, and that is, Sir, that the hon. Member for the Coast is under that same influence that has such a profound effect on the Coast which he represents, namely prevailing wind. (Laughter.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, it is a little bit difficult to appreciate exactly what the intention of the hon. Mover was in this Motion.

MAJOR KEYSER: I told you!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I presume he wants to institute a formal inquiry which will result in some form of a report as to the responsibility for the mass movement of the Kikuyu from the European areas to the African areas. Presupposing that is what he intends, Government is unable to accept this Motion. We can see no useful purpose being served, nor, of course, is Government prepared for one moment to admit that the actions taken on this matter were either a negation of good government or a negation of humanity.

[The Member for Agriculture and Natural Resources]

Now, Sir, there have been in this year no less than three debates—this is the third—more or less on this subject, and much of what we have heard to-day is a repetition of what we heard, I think, on the 19th February last. I, therefore, Sir, would rather, as far as I can, avoid dealing with details that have been raised, and again remind hon. Members (a) of the position with which Government has been faced, and (b) of the steps they took to deal with it.

To some extent the ground I am going to cover has already been covered by the hon. Member for the Aberdares.

Now, Sir, after the first acts of violence took place it became quite evident that there were on the farms a large number of disaffected and dangerous persons. The easiest thing to do was the first step taken, which is commonly known now as the "Jack Scott" pick-up. In other words, those against whom we had information and knowledge were collected and were either prosecuted or detention orders were issued against them. But obviously that did not go nearly far enough.

We then had to deal with three other types of persons, (a) those we wanted to remove for operational purposes in order to create prohibited areas, or because we were satisfied that in that particular area there was practically unanimous disaffection and danger, the danger of practically all the people who inhabited that area. Secondly, we had to provide for those whose contracts had terminated or whom employers wished to dismiss. Now, here I would say that it has been suggested by several speakers that Government should have put a stop order on all movements and have, I gather, prevented that particular form of movement. I would submit, Sir, that it would have been highly improper for any Government, especially under the circumstances in which we found ourselves, to have said to farmers and employers generally, "You have got people whom you are employing whose contracts are terminated, or whose contracts you wish to terminate, and you are not to do so". The answer would have been obviously first of all, "Who is going to pay?" and, secondly, "I am the best

judge of what is in my interests and, above all, in the interests and the safety of my wife and children". So, Sir, we had to deal with quite a large number of people legitimately dismissed by their employers. There were a number, in addition to persons whose contract had now terminated, whose employer had grounds to suspect were evilly disposed persons, or people of bad influence on the rest of the employees. So we passed what is now known as Regulation 4 (c). If it was decided that the grounds for suspicion were justified an order could be made that the man could be dismissed.

Now Sir, we foresaw that we had to deal with these different classes of people and we tried very hard to consider ways and means of avoiding these transit camps because we all knew that transit camps had great disadvantages; that it would prove to be difficult to get people to those camps very regularly and that the persons herded together in the camps were very open to evil influence. But what was the alternative? It would have been, I submit, an act of the greatest folly to have allowed these dismissed persons to wander about the highlands uncontrolled, and in the end we came to the conclusion that the only thing to do was to create these transit camps in order that the persons collected were properly documented and sent back to the reserves. And it may be that the plan has not been carried out as well as some persons who are not responsible for doing it think should have been the case. But I submit that on the whole when you think that during the last two or three months we have moved something like forty thousand persons through those transit camps, there has been no grave incident, or illness, and I submit that under the conditions with which we were faced, the way those camps have been organized and administered is not a thing to be ashamed of by Government.

Once again, Sir, I would like, as I have this opportunity, to pay a tribute to those who were often engaged from local people and were inexperienced, who have had the responsibility to run those camps. Now it has been suggested, of course, that instead of having these camps the obvious thing to do was to turn these people into battalions, giving them work—useful work—and not send them back into the

[The Member for Agriculture and Natural Resources]

reserves. Now, first of all, these people are not detainees, they are in transit, they are persons who have been under some form of suspicion but against whom we have no proof whatever. A lot of them are people legitimately dismissed and there is no law whatever under which you can force those people to work. Indeed there are international conventions under which you cannot make those people work. We did provide, admittedly on a small scale to start with, avenues of employment—useful employment—for those people, hoping that we would get volunteers to go to these places and work in peace until this phase has passed. A lot of trouble was taken preparing these places, often against a good deal of opposition. The first offer I have received to go and work under these conditions I received yesterday evening. It has come through a district officer from a gentleman who is half Nderobo and half Masai, but who has a Kikuyu name, who says that if he is sent back to the Kikuyu reserve where he does not really belong, he will not be very happy; who is the possessor of six wives and 28 children, and that is the only applicant I have so far received to go and do a good job of work on a reasonable pay on one of the schemes. So, Sir, when there are these complaints that Government has not done anything, I suggest that the boot is on the other foot and that if there really are these loyal Kikuyus who would prefer to come and work and who wish to help ease the position in their own reserves we might see a little more anxiety to conform to Government plans. (Hear, hear.)

Now, Sir, what other alternative would Government have had? I have tried to demolish the suggestion that a stop-order was feasible. I have shown that it is impossible to make these people work under the laws as they stand to-day and remember we have to deal not only with men but with large quantities of women and children, and putting the men to work even if you could and separating them from their families is probably not a very wise plan. The only other alternative would have been to build what would have been in fact concentration camps—places remote from the Highlands and outside the native land units—and to have put very large quantities of men, women

and children into these camps, giving them an opportunity to work on roads or bush-cutting or something of the kind. That would have been: (a) forced labour practically; and (b) I submit that when this Emergency has passed, as it will, we will find ourselves with this hanging round our necks—precisely the same problem which we were facing during the past two or three months in an aggravated form. Having dealt with the Emergency, we would then have to deal with many thousands of extremely dissatisfied, disgruntled persons who have been kept more or less in prison for many months and we would still have to absorb them. I therefore suggest it is far wiser to put these people back now before they are upset and bitter, having been kept for months and months far from their homes where they originated and where many of them in fact will have some form of *pled à terre* and when the Emergency ends we then have a clean slate and we can again deal with the re-employment of large numbers of Kikuyu coming out from what we admit is a fairly fully inhabited part of the world.

Now what of the future? We are trying now, under the aegis of my hon. friend, who will no doubt speak in a few minutes, the Member for African Affairs, to empty transit camps, because we feel that those camps, essential as they were to carry out the policy of preventing a whole lot of uncontrolled and dangerous Kikuyus from wandering about the highlands, have now served their purpose. And we feel we can now turn to our original attempted policy, which was when people have to be moved they can be moved direct from where we have to move them back into their land units. That would be far better than going through these camp arrangements.

Now I have not dealt yet with the voluntary movement and again I understand the suggestion is that Government is largely to blame for that. Again I would repeat that it is impossible, in my opinion, for any responsible government in the State of Emergency in which we are passing at the moment, to collect persons who have run away from farms, refusing to obey the law, or for other reasons, and herd them back on to the farms, and tell the farmer: "You have

[The Member for Agriculture and Natural Resources] "got to keep them there". That would be subjecting that man and his family to physical and probably life dangers which no government could dream of doing. (Hear, hear.) We have tried as far as it is possible to stop this voluntary movement or to check it. We have tried personal visits and talking to people to prevent not only this voluntary movement but any sort of panic movement or dismissals, and therefore I do not take back one word of what I have said in the past, nor of course do I need to refer to what His Excellency said in a broadcast, beyond saying that it is a reiteration of Government policy that we have naturally tried to prevent a wholesale and uncontrolled dismissal of all the Kikuyu all over the highlands. But we do realize, unfortunately only too well, that even amongst persons such as referred to by the hon. Member who have been in the employment of one or two persons for twenty years, that it does not follow that they are not in fact in some cases the greatest source of danger on that farm. (Hear, hear.) Therefore, we have all the time realized that it was quite inevitable that not only was this movement difficult to control but that it had to take place and it must therefore be faced and finished. The numbers that have been dealt with are large. It is probable that the exact numbers can be given to you by another speaker, but they certainly are in the neighbourhood of some forty thousand from the camps as I have already said, but probably more or rather more in the voluntary movement. It is said that we bear great responsibility for an outburst of brutality such as the Lari massacre by allowing this movement. I have shown that it was impossible not to allow that movement, but I go further and I say the things as they are, whether people are going back into the reserves or not, it was impossible not to foreshadow some such happenings as Lari, and Lari is not the only one. Look at the discoveries made just outside Nairobi recently. Are those supposed to be due to returned people from the farms? Look at the clashes going on in the reserves—many of those have nothing whatsoever to do with the people coming back from employment. It has been suggested that we have got to find more land for the

Kikuyu tribe. We have offered terms of employment for Kikuyus but they have not been accepted. In due course, no doubt, there will be a desire for a lot of Kikuyu to go back and earn money outside. When that happens that movement also—I will give full warning here to everybody that that movement will have to be most scrupulously controlled for a very long time to come. (Hear, hear.) It has been suggested that we must give food to Kikuyus. I have yet to learn that in any part of the Kikuyu reserve there are serious food shortages and in answer to a question yesterday, I informed hon. Members of Council that we had made ample provision for famine relief; so much so that only a fraction of what so far has been allocated has been drawn.

It has been suggested that we must give protection to the loyal people—that matter falls more under theegis of my hon. friend the Member for African Affairs. Everyone knows that we are endeavouring by every possible means to afford protection and give encouragement to those who are trying to put their own house in order.

Sir, in the course of this debate some person has suggested that everything Government has done has been wrong, that is the Mover. Other people have suggested—

MR. COOKE: Sir, I was very careful not to put the blame on the settlers or Government of this country. I wanted to find out where the blame lay, but the hon. gentleman is not elucidating that—

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Gentleman certainly gave me the impression that he felt that a great many people were to blame.

MR. BLUNDELL: "Negation of good Government" were his words.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Negation of good Government. Other speakers have suggested that although Government has done a lot, it has not done nearly enough, but I should say in this particular matter—we are dealing with a very difficult problem indeed with which we are faced in the midst of the Emergency, in the midst of very severe difficulties. I suggest that Government has nothing whatsoever to be ashamed of in the way it has

[The Member for Agriculture and Natural Resources] handled the situation. For that reason Government has no intention whatsoever of accepting this Motion. (Applause.)

THE MEMBER FOR AFRICAN AFFAIRS: Mr. Speaker, Government have never been under any illusion about the serious effect of this exodus of Kikuyu; this voluntary exodus in particular. This flux of a bewildered people returning to their reserve, and the effect on the operational front—that is the main consideration.

During the last few months, all our efforts have been bent to trying to stem this tide—not least in the success of the efforts recently has certainly been the weather and the co-operation of farmers and I would also like to express my appreciation of the efforts of loyal Kikuyus who have toured farming areas to help us try to stem the tide: in which certainly should be included the efforts of hon. Mr. Mathu—the great efforts of the hon. Mr. Mathu and Mr. Gikonyo. There have been many contributing factors to this movement of which all are well known and have been touched on. I agree with the hon. Member for Aberdeens that throughout all these contributing factors there runs one thread and that is *Mau Mau* itself which has been primarily to blame.

When one looks at the question of photography which has been claimed as a contributing factor, obviously that was the first thing *Mau Mau* picked up as a weapon—what they knew was playing or thought was playing into their hands. We mean to go on with photography, but we mean to go on in our own time, where the ground has been prepared and where we can be reasonably certain that it will not stimulate a further voluntary flux of people. There are welcome signs that the Kikuyu are realizing the value of this photograph to them as a form of passport—they accept it in many places and we shall pursue this in our own time, as I say, handling it as we think best in the main interest of the operational front.

The Mover of this Motion referred to the misgivings of the district commissioners in the Kikuyu districts. Mr. Speaker, I am well aware of this. I have discussed it with them. This thing has

been thrashed out. We were under no illusion of the seriousness of slipping downhill to a point of over-saturation. These district commissioners are in a commanding position to review this situation, but they also have loyally realized, as indeed the loyal Kikuyu element have also realized, that they must accept back Kikuyu who, for security reasons, must be moved. Their main misgiving has been this voluntary flux, as I say, and I say thankfully and perhaps touching wood, Mr. Speaker, that it has been reduced now to reasonable proportions that we can handle. I would also like to express my appreciation to the hon. Mover for the tribute he paid to the district commissioners who have handled this situation; the devotion to duty, the courage and humanity displayed by these district officers on the ground have been in the best tradition of a fine service. (Applause.) Their personal quality and their leadership are indeed a vital factor in our success, and in rehabilitation in particular. They have been in a battle such as we have been fighting. There have been mistakes probably on all sides, in fact not probably, but obviously, but in recent times as the situation has clarified somewhat and begun to sort itself out, I have seen, and I think we have all seen a most welcome development in the growing realization amongst European farmers of their own importance in exercising a steady influence and a control of the Kikuyu labour. It is obvious, and has become increasingly obvious to them, that it is obviously much better for a Kikuyu to remain in useful and productive employment under control, under the steady influence of a good employer, than to be returned to his own overcrowded reserves, which are indeed in some turmoil. The effect of this flow back—large, slow, back-of—repatriates into the reserve will have and has had a most serious effect in leading to deterioration of the background against which security forces and loyal Kikuyu are struggling to defeat *Mau Mau*. I have emphasized this as of the greatest importance in the forefront of the operational considerations at the moment.

I think the hon. Member for Agriculture and Natural Resources suggested that some figures might be given of the movement of Kikuyus. Up to the present

[The Member for African Affairs] moment some 33,733 have been moved back through these camps. Of those, in proportion, roughly 13,000 have gone to Nyeri, roughly 13,000 to Fort Hall, roughly between 6,000 and 7,000 to Kiambu. Remaining in camps to be dealt with at the moment, in the Rift Valley camps, are some 5,500, and at Athi River slightly over 1,000. At the end of this week I hope that altogether with the movement planned this week, there will remain 5,300 in these camps, nearly all of them due for repatriation to Kiambu. Of these approximately half will be due to return to Chura division which is the most overcrowded of the divisions in Kiambu. It has been described as a dormitory area for Nairobi. In this we are proposing to exercise a special care but it is my view that as these inmates of the camps have so far steadfastly refused other employment or being absorbed in any other way, they merely wish to go home, we will have to return them home in small doses, although I fully realize the impact of this on a dangerous area so close to Nairobi.

Mr. Speaker, my hon. friend, Mr. Ohanga, came in for a certain amount of target practice from the hon. Member for Trans Nzoia. I do agree with one point that Mr. Ohanga made when he emphasized that he did not fully agree with the first part of the Motion concerning an inquiry. I do not know what was in the mind of my hon. friend, the Mover of this Motion, whether, as the hon. Member for Trans Nzoia suggested, it was a question of prevailing wind or, indeed, unloading a Pandora's Box of cross winds, but—

Mr. COOK: If the hon. gentleman will give way, the reason was given in my Motion, that was cut out by you, Mr. Speaker. When I reply I shall give you my reason.

THE MEMBER FOR AFRICAN AFFAIRS: What I would say, in conclusion, is that I do not believe what may be described as a witch hunt—an inquiry—should take place now; this indeed is no time for such things. I am sure all Members of the Council will agree on that, that in the main operational consideration of defeating *Mau Mau*, it is a time for

mutual understanding, mutual help, and for unity.

THE LABOUR COMMISSIONER: Mr. Speaker, the hon. Mover made a suggestion that the photographing system was mainly responsible for the exodus out of the reserves. It is of interest to know exactly how this photographing has gone in the urban areas and the rural areas near Nairobi. There has not been, to my knowledge, a single refusal to be photographed in the Nairobi area where, including the city, there have been some 9,000 photographs and certificates issued. Altogether, Sir, we have issued 30,000 certificates and of these some 20,000 have photographs attached, the balance are awaiting attachment. Of this number, Sir, we have only had 1,800 refusals, a very small percentage. I think Council will agree, of the number we have completed. In the rural areas of Thika we have done nearly 10,000, so I think this adds a point to the argument that it is not photographing so much, it is the propaganda that has been used against photographing in certain areas that produced this exodus.

There are one or two small points raised by Mr. Mathu I would remind him there is a reverse to the Kikuyu History of Employment Card. On that reverse there do appear details of previous employment at least for the previous 12 months, and of course details of future employment will also be recorded on this card. I would like to refer, Sir, to Mr. Mathu's point that he was unsuccessful in persuading Kikuyu not to leave. I do not think it is his fault in any way. When I was present myself he tried to persuade large numbers of employees on a certain farm in Gilgil not to leave, they had expressed their intention to do so. He came away quite convinced that he had been successful, but in a fortnight every one of these people had gone home. I am certain none of his arguments, which were very good ones, had the slightest influence on these people. They were determined to go to the reserve, and to the reserve they went. That is why we have got this enormous exodus of some 40,000 men, women and children back to the reserves on a voluntary basis, and not to camps. I think that deals with most of the points that have been raised.

[The Labour Commissioner]

There is one more point the hon. Mr. Mathu raised—the question of wages. I would not like the Council to go away feeling that nothing was done about recovering their wages or any property left behind by the Kikuyu who have left their farms in a hurry or who were removed in a hurry. Without a doubt property was left behind. We have recovered some thousands of pounds already from employers—not only recovered, that is the wrong word—employers have brought their wages that were due by them to the employees, to the Labour Offices and these have been handed on to the District Commissioners concerned. There is still a balance and it will take some time to sort out the various claims that have been made. Careful inquiries have been made in the camps themselves by the Labour Officers, generally by African inspectors themselves, to ascertain what these claims were composed of. In due course I hope the great majority of claims will be dealt with.

I beg to oppose.

Mr. A. B. PATEL (Eastern Area): I think, Sir, that this Motion has served one very useful purpose of informing the people outside of the correct situation and the attitude with which the Government is acting to deal with the Emergency. One has heard a lot about the incompetency and the inefficiency of the Government, and read in the newspapers votes of no confidence in the ability of the Government to deal with the Emergency. I was very glad to hear this morning from the Government benches the correct situation in regard to the steps taken so far. I was very glad to hear from the hon. Member for Agriculture and Natural Resources that Government was doing all that it can to deal with the Emergency. That is the reason why I am very glad that this Motion has given an opportunity of this nature.

Sir, outside this Council one hears a great deal about this mass movement of Kikuyu from the settled areas to the Kikuyu reserves. It has been stated in several quarters, and very responsible quarters, that it was a great mistake to allow the Kikuyu from the settled areas to go in such large numbers within such a short time because it created more

over-crowding and it created a certain amount of food shortage. It made the position of the loyal Kikuyu more difficult and in some cases it was a gain for the *Mau Mau* adherents, because it sent from outside dissatisfied elements into the reserve. It also created a certain amount of suffering among the Kikuyu women and children. But outside it was alleged it was a mistake made by the Government. I read the Motion again after hearing the Government Member and I did not find anything that could be seriously objected to. What it says is—there was a mass movement of Kikuyu from European areas to African areas—what could be objected to is whether there was anybody responsible for making, allowing or encouraging this movement from the settled areas to the African areas. As far as that is concerned I personally think that there is no responsibility—I am personally satisfied by the explanation which the Government has given. But still I do feel one thing; when it is alleged outside this Council that everything which is done by the Government is done at the instance of some other people not in the Government—that everything that is wrong which is done by the Government is wrong because they do not understand how to do things but everything is right because they receive very valuable advice from outside the Government. I think it was time to find out if there was any mistake made in this, to find out whether things are done by the Government because they do not know how to act or whether from outside pressure from other people to take these steps. That is why I felt this Motion was in a way very useful.

Mr. HAVLOCK: Mr. Speaker, I feel that representing Kiambu I shall have to make my position clear in this Debate. Hon. Members will remember that I moved an adjournment some time ago on this particular matter. At that time I did suggest to Government that we should try to find some areas and some work for these Kikuyus coming from the settled areas. That was quite a considerable time ago and I personally feel that if we had at that time given really deep consideration to it we might have found another way to cope with the situation that has been found to-day.

[Mr. Cooke] law and order in this country. In fact, one of the best-known farmers of this country who is not a sentimentalist like I might be, who is really a man who has been in this country many years, who does not take views that might be called sentimental, said to me the other day that the only safe place, as African labourers told him, that at the moment the only safe place in Kenya was to be in prison. Therefore, you put it to these people who work on farms that they must choose between two extremes. It is very difficult for them to decide, as a balanced European might decide as to what course they should take. Therefore, it was quite unnecessary and untimely to have brought in that particular measure at that particular moment.

MAJOR KEYSER: Therefore they choose prison!

Mr. COOKE: Now, as the name discloses the untimeliness of the matter, it is described as the "History of Employment". Now, Sir, history is a thing that cannot be written in five minutes, it has got to be built up, therefore, for those cards to be of any use except for actual identification, would not be of any use for many years in this country so you cannot build up history of employment in a few seconds, therefore, for that reason I have always felt it was stupid at a moment like that to have brought in this measure which quite easily could have been left for the time being. In fact, the harm it did and the harm it was likely to do—anybody who knows this country—must know—must completely have outweighed any good that it could possibly do. Therefore, I feel and believe that there was a grave error of judgment used in bringing in this measure which encouraged the Africans—at any rate it gave them an excuse which we should not have given them—to leave the settled areas. It has in part of the South Kinangop brought a good deal of farming activity to an end and will mean something like ruin to a great many farmers, especially people growing pyrethrum. So I leave it to the conscience of the hon. gentlemen opposite as to whether they think it was a wise thing to have done; to have brought in this disturbing factor in employment in this country.

I listened with a certain amount of amusement to my hon. friend the Member for Aberdare, because I have a cutting here from the *East African Standard* headed: "Why I Lost Faith in the Government". This received a real caption in the *East African Standard* and was written ten days ago, but my hon. friend has recaptured that faith in the Government of the country, which faith, I am glad to say, I share. I think the Government has been in a very difficult position on the whole. But I do not think they have hit hard enough against the rebels; they have hit much too hard against decent Kikuyus. That is always a sign of a weak person. When you get a weak person to take action, he usually takes the wrong action. Government, instead of killing a few more hundreds of the rebels, which they have dimly failed to do, have made life unbearable for the rest of the Kikuyu. I say with all sincerity—I mean it, in spite of the rebuke that I may receive from the hon. gentleman—that the harm done and the incentive given to the *Mau Mau* movement, to rebel movements, has been greatly increased by this mass movement of people back to African areas which cannot possibly hold them, as an African Member has just stated. Now, the report of Norman Humphreys and others have said it is impossible that they should be absorbed, I do not ask for land for these rebels, that is a complete distortion of what I said or indicated. I have said for years, as the Member for Agriculture and Natural Resources knows, I have been urging him to set aside land for the overcrowded Kikuyus. I offered him last February to give every help I could, that offer was not accepted. I would have—it might bring smiles to my opponents, they used to be my colleagues at one time, until they started taking steps in the wrong direction—I would have been quite prepared myself to take complete responsibility for the handling of the Kikuyu in these circumstances when they were being forced from the farms. Nobody ever asked anyone to do anything, they know so much on the other side of the Council, they are not prepared to share the experience of other people in this country. I did make an offer to my hon. friend, it was turned down—any rate it was not accepted.

[Mr. Cooke] Friday, 8th May, 1953
I am not going to detain this Council any longer, I am perfectly sure that I was correct in bringing this Motion. I have not replied to a good many of the points brought up because, although I do not agree with many of the things that have been said on this side of Council, still, nevertheless, as an Irishman once said—a famous Irish judge—"It is no use arguing with a madman, you can only refuse to believe him!" That, Sir, must be my attitude to my colleagues. With my Secunder's consent, I will not force this issue to a division.

The question was put and negated.

ADJOURNMENT

Council rose at forty-five minutes past Twelve o'clock p.m.

Friday, 8th May, 1953

The Council met at thirty-five minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 104

MR. MATHU:

Will the Member for Agriculture and Natural Resources state the terms and conditions which he has offered to the displaced Kikuyu for occupying Trans Mara, Kwale and Mather's Ridge?

Will the Member say how many Kikuyus have accepted these conditions, and if the number is very small, if any, will he state whether he intends to make his terms attractive to induce the Kikuyu to go to these areas or what?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A great deal of work has been done by those concerned in drawing up suitable conditions of employment and scales of wages and rations in relation to wages ruling in the districts where the different short-term Government schemes for displaced Kikuyu have been devised. Naturally these terms and conditions vary as between the schemes and different areas. In all cases the terms and conditions are considered reasonable and would, of course, if necessary apply to persons of any tribe, but a detailed tabulation of these could scarcely be fitted into an oral reply. I shall be pleased to make them available to the hon. Member at any time.

The answer to the second part of the hon. Member's question is that so far no Kikuyu have definitely accepted these conditions and Government has no intention of bribing Kikuyu to do useful work by giving them enhanced wages above those paid to other tribes. The conditions and wages offered are those considered adequate for the job.

Mrs. SHAW (Nyanza): Mr. Speaker, arising out of the answer to the first part of that question, would the hon. Member state whether or not it is Government's intention to place to settle Kikuyus in the Trans Mara area?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I submit, Mr. Speaker, that that question does not arise out of this.

MR. COOKE: Mr. Speaker, will the hon. gentleman explain whether it is either a second Makaweri scheme or is it an individual holding scheme to establish the Kikuyu?

MR. BLUNDELL: With all due respects to the hon. Member, surely the question of the hon. Member for Nyanza must arise out of the question—that it cannot fail but to arise from the hon. Member for African Interests, Mr. Mathu's, question.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The question is entirely one about wages and not about employment. I will be pleased to give the hon. and gracious lady the full information which, doubtless, she already possesses about the Trans Mara scheme.

MAJOR KEYSER: Mr. Speaker, arising out of that answer, will the hon. Member for Agriculture and Natural Resources state the terms and conditions which he has offered to displaced Kikuyus for occupying the Trans Mara area? Could the hon. Member tell us whether there is any intention that the Kikuyus should occupy, in the usual meaning of the word occupy, or is it his intention that they should be given employment in the Trans Mara and to do some public work for which they should be paid?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member should be aware that it has been made perfectly clear on many occasions recently that there is no intention whatsoever of their occupying any areas outside of their land unit.

MR. MATHU: Arising out of that reference, how can they have terms and conditions of employment unless they physically occupy a particular area?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member knows perfectly well that people can be employed to do work in a place or they can be given land to occupy permanently in the place. What these people are going to get are reasonable terms and conditions under which they can work.

MR. COOKE: I am very puzzled over this matter, does he propose to scheme similar to the Makaweri scheme or what scheme is envisaged?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member knows perfectly well that I am not thinking of any thing like that.

MR. COOKE: I do not know perfectly well, I know nothing about this scheme, I think the hon. gentleman should withdraw that remark.

THE SPEAKER: You cannot ask him to withdraw, I can, but I shall not.

I think we should call the next Order of the Day—but we cannot do that because I propose to interpose another matter and that, hon. Members, is the moving of the Loyal Address. No Motion has been given as you know, but it is within my province to permit a Motion without notice if I consider the matter sufficiently important, and if I think it will meet the general wishes of the hon. Members here. The reason I am doing it to-day is that I am afraid that we may be rather thin on the ground next week. So, therefore, I am calling on Mr. Potter to move this Motion.

MR. COOKE: Supplementary questions go no further?

THE SPEAKER: I think you have had a good go.

LOYAL ADDRESS

THE CHIEF SECRETARY: Mr. Speaker, I beg to move:—

THAT IT BE RESOLVED that the following Address be presented to Her Majesty the Queen, and that you, Mr. Speaker, do deliver the Address to His Excellency the Governor with the request that he will arrange for its presentation to Her Majesty:—

The Legislative Council, of the Colony and Protectorate of Kenya in Session at Nairobi this eighth day of May, 1953.

To Her Most Excellent Majesty Queen Elizabeth the Second,

May it Please Your Majesty,

We, the Members of the Legislative Council of the Colony and Protectorate of Kenya, on the occasion of Your Majesty's Coronation, tender our loyal and humble duty to Your

[The Chief Secretary]

Majesty's Person and Throne, and reverently pray that Your Majesty may enjoy a long and prosperous and peaceful reign under the blessing of Divine Providence.

MR. BLUNDELL: Speaking on behalf of all the Unofficial Members on this side of the Council, we associate ourselves with the remarks of the Leader on the opposite side of the Council, and wish Her Majesty a long and happy reign.

Question proposed.

The question was put and carried.

BILLS

FIRST READING

The Crown Lands (Amendment) Bill

(The Member for Health, Lands and Local Government)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

BILLS

SECOND READING

The East African Industrial Licensing Bill

Debate resumed.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, when consideration of this matter was adjourned, I was referring to Part III of this Bill and I would draw the attention of hon. Members to the provisions of clause 5. This introduces a new provision into the law. In the past there has been no restriction on the period for which an Industrial Licence could run or any restriction on the period for which an item could be scheduled under this Ordinance. Hon. Members will see that it is now proposed that any items which are on the Schedule—First Schedule—to the Ordinance 20 years after the date of its being brought into force, will cease to be scheduled, with the proviso that any item prior to that date can be retained on the Schedule if the East African Industrial Council so recommends, and if it is approved by Resolution in this Council, and in fact in the Legislative Councils of Tanganyika and Uganda.

Part IV merely enacts in this Bill provisions which have been included in the 1948 Ordinance by amendments passed in 1949 and 1950.

I pass on to clause 22 (2). This changes the present procedure slightly, in that it provides that the High Commission may amend the Fourth Schedule to the Ordinance. The Fourth Schedule lays down the rules of procedure for the Appeal Tribunal.

The First Schedule to the Bill shows the class of product which it is proposed to make licensing necessary for. The first seven items are, in fact, those already scheduled under the law. There has been a delay in the question of adding any new items to the Schedule as it was agreed by the three Governments that they would not do so until the new law had been enacted.

It is now proposed to add three new items to this Schedule: fabric spun or woven from soft fibres other than fibres derived from cotton or flax; steel drums of 5 to 60 gallons capacity, of 26 to 12 gauge; and caustic soda. It may be of interest to hon. Members that all three of those items have been included by recommendations made by the Council after representations made on behalf of Kenya industrialists, and they represent an indication of new industrial activity in this Colony.

I would wish to take this opportunity of giving notice that at the Committee stage I propose to move an amendment to this Schedule and to change for the words "Caustic Soda" in line 14 of the Schedule, "Caustic Soda other than caustic soda manufactured by way of recovery from a residue resultant from the use of Caustic Soda in any process".

The purpose of that is that there are manufacturing processes like, for instance, the preparation of pulp in paper making where caustic soda is used originally as a raw material and is recovered in the manufacturing process for further use, and it is not intended to apply the law to that.

There has been in the past, when this legislation has been discussed, some feeling that it was undesirable in that it tended to create monopolies. Now, Sir, I do submit that that is not the purpose of this legislation. The East African Industrial Council, when considering application for licences, is most careful to ensure that the position is kept fluid and that a licence nowadays is only issued where it is made subject to certain conditions. The Council insists on

[The Secretary for Commerce and Industry] being satisfied that the licensee has placed firm orders for machinery within a reasonable period, very often six months; it requires to be satisfied that any formalities in connexion with the registration of the company have been completed; that arrangements are made to commence building, again, by a specified date.

There have been quite a number of licences issued for various types of manufacture and at the present time there are four licences in existence for the manufacture of cotton blankets. The Council is most careful to see that the position is reviewed in regard to any new application. The Ordinance merely gives a licensee the right to object to the granting of a fresh licence where he can claim that it would have a prejudicial effect, and it is up to the Council to decide whether in fact to uphold that objection or to dismiss it.

As I previously mentioned, this Legislative Council has to approve the addition of any new item to the schedule and that is, surely, the greatest safeguard against the indiscriminate use of this law. The schedule is exceedingly brief even with the proposed addition of three new items.

Sir, there is nothing new in this policy, it was advocated in a paper prepared by the East African Industrial Council on means of encouraging industrial development in 1945. It was advocated in the report of the Development and Reconstruction Authority of the same year. It was approved by this Council when the 1948 Ordinance was enacted. The Board of Commerce and Industry has been kept in close touch with the proposals now incorporated in the law and has recommended them. A similar Ordinance has already been enacted in Tanganyika, and it is the intention of the Uganda Government to introduce one on the same lines in Uganda in the near future. It is, of course, most desirable that where inter-territorial action is being taken on territorial legislation, the Ordinances in the three territories should remain in similar form, otherwise there are liable to be all sorts of anomalies and discrepancies.

The present Bill represents the result of a very great deal of inter-territorial discussion. I submit, Sir, that to-day it is most essential that we should maintain any form of structure of this type which is likely to encourage industrial development and to encourage the inflow of capital into this Colony.

Mr. Speaker, I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

MR. HAVELOCK: Mr. Speaker, as the hon. Mover knows well enough, I have consistently opposed this Bill—the original one when it was first introduced—and I intend to consistently oppose this one. I would like to know from the hon. Member what use this Ordinance—the original Ordinance—has ever been to this Colony. I have heard that there are three more items to be put on to the Schedule, at the request of certain industrialists in Kenya. The hon. Mover went to great lengths to explain how no monopolies really are encouraged by the Industrial Licensing Board: that, Sir, the Board itself goes into all the details, and that a licensee only has the right to object to the Board against the application of someone else to manufacture the same product.

Well, now, if that is the only safeguard that this Bill—this Ordinance—offers, is that really sufficient to provide great attraction for new capital and new industries? Is it really, on his own argument, sufficient to protect the industry against uneconomic competition? It really, of course, means that the new industry or new industrialist is trusting the Council, or Board, to protect him, but can he really do that—are all the details available? Surely it is much better to let the whole thing run by free enterprise, as it used to be before. Everything becomes more complicated as you get this sort of legislation. The mere fact that we have got to have an amendment about caustic soda is an example, to my mind, of all the difficulties, interpretations and arguments that do go on—have to go on.

Here is some stupid little amendment coming, Sir, on some particular "little" aspect of the problem. There are many hundred aspects of the problem all probably to be covered by other amendments, if the thing is really to work smoothly.

[Mr. Havelock]

What is the position, Sir, between the three territories? Has it been an easy run, and is it going to be any easier in the future to get agreement between Uganda, Tanganyika and ourselves as to where any industry may be sited and whether a licence shall be granted. I suggest that it has led to interminable discussions—arguments between the representatives of each territory, and, to my mind, although I quite understand the intention behind it is right, and we should, of course, do everything we possibly can to attract capital, new industry to Kenya now, I submit that this Ordinance is not going to help in the least. The old one did not help and I beg to submit the new one will not help.

Sir, I beg to oppose.

THE CHIEF SECRETARY: Mr. Speaker, Sir, I am a great advocate of free enterprise and I have been for a very long time. Yesterday I had occasion to congratulate an hon. Member and to congratulate him on his width of vision in speaking of East Africa. Now, Sir, I am quite convinced that action already taken under the Ordinance, which this Bill is designed to replace, has contributed substantially to the benefit of East Africa, and I do not mean only to the benefit of a country in East Africa other than this Colony.

I am quite convinced, Sir, that from the long-term point of view this legislation will result in enterprise coming into East Africa which otherwise would not come, and that has already happened.

Now, that will, in the course of time, contribute to the self-sufficiency of East Africa, and without legislation of this kind, which is adequately, to my mind, tied up, in order to safeguard the interests of all persons concerned, without such legislation, I am quite sure that we would find it more difficult to achieve that self-sufficiency for East Africa which is so very necessary to our future existence.

MR. CHANAN SINGH: Mr. Speaker, I am opposed to this legislation. The main reason is that it cuts out the chance of promoting free enterprise in these territories. There is no objection to the registration of new industrialists, but licensing goes beyond that.

First of all, Sir, the legislation will include practically all the establishments that manufacture any of the commodities in the Schedule, although industries such as the cottage industry are meant to be excepted, but the definition of cottage industry is very narrow indeed. The definition reads like this: "cottage industry" means, in relation to the manufacture of any scheduled article, any single unit of industry in which—(a) no more than ten workers are employed; and (b) no prime mover is utilized.

Now, Sir, these days there is practically no industrial establishment, in which no prime mover is employed. In the olden days some industry, at least, could be done by manual machines, but these days electric machines are utilized. I think this exemption of the cottage industry means nothing in practice so that the Bill will be all embracing as far as these particular items in the Schedule are concerned.

If the Bill does become law, I think the least that requires to be done is that the definition of "cottage industry" should be widened so that any industrial establishment, that engages not more than ten workers should be exempted from the provisions of this law whether or not a prime mover is utilized. In any case, Sir, the licensing provisions are intended to apply to big capitalistic enterprises. If such an enterprise cannot compete with a small establishment employing only ten workers, then I think it is pretty clear that such an enterprise is not running efficiently. I think that any big enterprise should be able to compete, if it is efficient enough, with any small establishment employing not more than ten workers.

Then, Sir, the provision to which the greatest objection must be taken is that relating to the granting of monopolies. It is not correct to say that no monopolies are intended to be granted. Clause 17 makes it clear that the Licensing Council will have power to grant monopolies, in the first place for five years, and will be able to renew it for another five years, so that the monopoly can be held for at least ten years. Now, ten years covers a complete industrial cycle. It covers one boom and one depression, and an industry that has been established for a period of ten years will be firmly

[Mr. Chanan Singh] established, and will be able to cut out all competition in future. I think that is a very unfair provision, and I think it is not in the best interests either of capital or labour or consumers. With regard to the interests of capital it is quite true that the interests of a particular capitalist who is granted a licence will be very well protected, but not the interests of the other capitalists. Suppose an applicant gets a licence to-day and to-morrow there is another applicant; that applicant thinks he can make more money in his particular industry, he thinks he can supply the same commodity at cheaper prices, he thinks he can make his capital give him a better yield in that particular industry, but he will not be able to get a licence, so that he will be compelled to put his capital to a purpose which does not give him that much yield. The result will be that although one particular capitalist will benefit, the other capitalists as a whole will lose. The return on one man's capital will be high because he will have the monopoly, but the return on the capital of all the enterprises will be lower because the other people will be compelled to invest their money in less remunerative channels.

Here, I think, Sir, we should remember that there are limits to the restrictions which the State should impose on private enterprise. It is true that legislation can impose restrictions with regard to the conditions of health and safety of workers, that is done by legislation such as the Factories Ordinance.

It is also true that the State can take away any part of the profits that it thinks fit to take away, but there, I think, the powers of the State should end. Beyond this all enterprise should be allowed free play and in that free play lie the interests of the consumers and of the workers.

So far as the interests of the workers are concerned, I think it quite clear that they stand to lose under any monopolistic system, because if there is only one enterprise dealing in a particular commodity, entrepreneurs can tell the workers, "Here is the employment, here is the pay, take it or leave it"; whereas if there is free competition there are more employers than one, then I am sure the wages offered will be higher

As regards the interests of the consumers, I think it is an illusion to think that the interests of the consumers are in any way consistent with the interests of a monopolist. You might as well entrust the interests of the lamb to a tiger, because the interests of a monopolist are just as much opposed to the interests of consumers. I think, Sir, it is also wrong to suggest that capital will not enter the country unless a monopoly is granted. Capital has flown to all parts of the world where there is no monopoly. We know that millions of pounds have been invested in Europe and America and other countries of the world and the conditions of investment has never been the granting of monopolies. I think all that the Colony needs to prove to the satisfaction of overseas capitalist is that we have stable economic and political conditions in this country, and capital will flow in.

THE COL. GHERSIE: I rise to support the Bill. I think in a young, developing Colony such as this it is wise to make provision whereby you can protect local industry. The object of this Bill is to see that industries do not spring up and become uneconomic and I think what some hon. Members are overlooking is clause 20, where an applicant, objector, or licensee not only applies to the Council in the first instance; but may, if he is disgruntled or takes exception to their decision, apply to an Appeal Tribunal who have the final decision in this matter.

I support this Bill.

MR. HARRIS: I, too, rise to support the Bill because I have studied the papers on the Board of Commerce and Industry and I have heard nothing this morning which has made me change my mind. There are two points arising from the speech of the hon. Member for Central Area. He suggests that this Bill is a restriction of private enterprise. I would say, in fact, it is an encouragement for economic private enterprise and perhaps a deterrent to sub-economic private enterprise. He also quoted America and Europe and the large amount of capital invested in those countries who have thrived because there were no monopolies. I think if he studies the inside history of both America and Europe, the tendency has

[Mr. Harris] always been towards monopolistic companies, and I would not think that that is a very good argument he is trying to use in this case.

I beg to support.

THE SPEAKER: No other Member wishing to speak, I shall ask the hon. Member to reply.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I am very grateful to my hon. friends for Nairobi South and Nairobi North who have dealt with a number of points that have been raised. I am exceedingly sorry that I have been unable to convince the hon. Member for Kiambu, but, as he said, he has always opposed this and I have no doubt if we ever have to move an amendment he will oppose it again. He asked, Sir, what use the Ordinance had been to the Colony. Well, I would say that at the present time in Kenya there is one licence under the Ordinance operative for the manufacture of awollen blankets and textiles. There are three licences operative for the manufacture of cotton blankets, though they have not so far come into production. Two of the three items which it is proposed to add to this Schedule are of the greatest importance to Kenya. The manufacture of metal drums has in fact started, but the industrialists concerned applied for protection under this Ordinance in 1951 and were most anxious that it should be given before they were prepared to begin to build. There has been some delay, but they were aware of the recommendation of the Council.

MR. HAVELOCK: What delay? Would you mind if you gave way. Would the hon. Member be good enough to tell me the exact length of delay.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Sir, the original application for the scheduling of this item was made at the end of 1951.

MR. HAVELOCK: It is now 1953.

THE SECRETARY FOR COMMERCE AND INDUSTRY: The manufacture of caustic soda is also of importance in that it was made, until recently, in Nairobi. The manufacture has ceased and another industrialist has stated that he is prepared to make the capital investment necessary,

provided that he is given protection under the law. The manufacture of containers of soft fibre is a matter of the greatest importance, not only to Kenya but to the whole of East Africa. Hon. Members will realize the difficulty that existed in the past, in keeping this Colony supplied with adequate containers for packing crops. But, Sir—and there is also a licence for the manufacture of cotton yarn and cotton textiles at Kisumu, which is a project which now appears to be going satisfactorily ahead. Those, Sir, are the things which have happened or are about to happen in so far as this Ordinance is concerned. I agree with the hon. Member that the fact of scheduling an item under this Ordinance may not necessarily give all the assistance required to bring a new industry into operation. It is not the intention, in fact, that it should. There are other methods which, if necessary, can be employed by Government. There is machinery now set up for granting refund of customs duty on imported raw materials in cases where through the incidence of customs tariff locally manufactured articles cannot compete with the imported article.

MR. HAVELOCK: Much more effective.

THE SECRETARY FOR COMMERCE AND INDUSTRY: There are ways in connexion with the grant of land and there is at present a committee sitting to consider methods of assistance to encourage primary and secondary industry, excluding agriculture. It is quite obvious from our experience so far that while there are a number of industries that will come without any assistance, there are others, usually specialized industries, and industries requiring large capital investment that will not come unless they are given some assistance of this type. The hon. Member also asked how many inter-territorial relations worked in practice. Well, Sir, there has undoubtedly been a good deal of discussion in the past because the operation of this law is, as the hon. Member said, quite rightly complicated but the territories are now, in so far as East African Industrial Council is concerned, I think I can say, working with a very great deal of agreement and that this new Ordinance is likely to make the whole procedure very much easier. I think one can say that the inter-territorial relations are now most cooperative and cordial on this subject.

[The Secretary for Commerce and Industry]

Sir, to refer to some of the remarks made by the hon. Member for the Central Area, Mr. Chanan Singh. He said that this legislation stops private enterprise. Well, Sir, I cannot agree to that, it is applied, as I have already pointed out to a most limited number of industries. Anyone who wishes to commence manufacture can apply for a licence. I agree with his point about the declaration. There has been one declaration granted for a five-year period which expires, I think, at the end of 1954, when it may be reconsidered but that is the only case and that is in regard to an industrial development far larger than any other enterprise which has come up under this Ordinance, and which would be of the greatest economic importance to East Africa as a whole and would be able to produce goods on a very large scale indeed, and that is why that particular industry has been treated in this way. Although, in fact, there are two licences to make the same article which are cotton yarn and cotton textiles. The same speaker criticized the definition of cottage industry. He did so on the basis that the definition was too narrow, that it limited the exemption under the Bill to a very small scope of industrial undertaking and he said that if a licensed industry under this Ordinance was afraid of competition with a factory employing only—not more than—ten men and using a prime mover of not more than five horse power, it could not be in a very firm position. That is not the point, the point is that there is no exemption at all if a person is making glazed pottery as a handicraft. There is no exemption, and that they should be obliged to apply for a licence under the law—I think is quite wrong.

The second point is that it is not a question of the amount of production of one factory of this type: if you grant an exemption, you may be faced with 20 or 30 factories of this type and it is the cumulative effect which has to be taken into account.

In regard to the remarks made concerning the protection of the interests of workers and the interests of consumers. The hon. Member was referring repeatedly to the grant of monopolies. Well, as I have endeavoured to point out, it is not the purpose of the law to create

monopolies. In regard to the one industry where a declaration has been granted, it is not a monopoly because there are two licences to manufacture those goods. Therefore, I cannot accept his argument concerning monopolies, but I would point out to him that the Council has power to reconsider any licence that it has issued and power to cancel licences. It also has power to impose conditions in licences. I consider the position is safeguarded. I do not suggest that there could be no inflow of capital into Kenya for new industrial enterprises if this law could not become enacted. I said that particularly under present conditions it was desirable to utilize all means for encouraging further development and the inflow of capital.

I think, Sir, with the assistance given to me by my hon. friends, the Members for Nairobi South and Nairobi North that deals with the points that have been raised

Sir, I beg to move.

The question that the East African Industrial Licensing Bill be read a Second Time was put and on a division was carried by 39 votes to 9 votes. (AYES: Mr. Adams, Dr. Anderson, Messrs. Astley Awori, Blundell, Biunt, Croup-Capt. Briggs, Major Cavendish-Bentnck, Messrs. Carpenter, Cooke, Edye, Lt.-Col. Gherrie, Messrs. Gikonyo, Griffith-Jones, Harris, Dr. Hassan, Mr. Hunter, Dr. Karve, Major Keyser, Mr. Mathu, Sir Charles Mortimer, Chief Mukima, Messrs. Ohang, Okwiry, Petrie, A. B. Patel, Sir Eboi Firiba, Messrs. Potter, Riddoch, Riddani, Mohamed Ali Said, Mrs. Shaw, Messrs. Tameno, Taylor, Turnbull, Usher, Vasey, Whyatt, Windley, 39. NOES: Lt.-Col. Grogan, Messrs. Havelock, Jeremiah, Madan, Sheikh Mahfood Mackawi, J. S. Patel, Sheriff Abdullah Salim, Chanan Singh, Zafrud-Deen, 9. DID NOT VOTE: Lady Shaw, 1. ABSENT: Messrs. Hope-Jones, Slade, 2. PAIRED: Messrs. Cowie, Maconochie-Welwood, 2. TOTAL: 54.)

Ordered to be read a Second Time and committed to a Committee of the whole Council.

The Sugar (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move that the Sugar Ordinance (Amendment) Bill be read a Second Time.

[The Member for Agriculture and Natural Resources]

The purpose of the Sugar Ordinance is to prevent the manufacture of spirituous liquor from sugar or sugar cane by process of fermentation. A Bill of this nature has been in existence for a very long period of time and in the old Ordinance, which was the 1926 Ordinance, the Governor in Council could from time to time by a proclamation apply the Ordinance, or any part thereof, to any areas in the Colony. When that 1926 Bill was amended—it was in fact repealed and a new Bill was substituted in 1946 and that new Bill did not make this provision. It merely made provision that the Governor could by notice published in the Gazette declare any area in the Colony to be a prohibited area for the purpose of the Ordinance. It has now been represented by the Provincial Commissioner for the Central Province that that present form of section 14 makes it impossible to apply the Sugar Ordinance effectively in his province. It is therefore sought to provide powers as is explained in the Memorandum of Objects and Reasons to apply any section of this Ordinance to any area as was provided in the old original Ordinance.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

MR. MATHU: Mr. Speaker, I rise to propose the amendment before the Council. As the hon. Member has said, the purpose of the original law which, I think in fact, started in 1923, was to prohibit the possession of sugar as defined in that law. The main purpose was to control and, I think, rightly in 1923 and later in 1926 excessive drunkenness of the people in the various African areas. Now, during the war, that part of the law which prohibits the possession of sugar became very oppressive in that area where the Governor declared a prohibited area, the people found it almost impossible to have possession of sugar for making tea and using it in other ways other than brewing beer. Now, the position of sugar supplies in the country, in East Africa, has not improved materially since the war and the control of sugar and the rationing of sugar has continued. The population has increased and the position of Africans in areas where

the prohibition has been exercised has become very aggravated. I would like to refer in particular to the district of the Wakamba—Machakos and the Kitui districts. The rationing of sugar, I think it is roughly in those areas half a pound per head per month, and even for that you have to get permission from the controller—the controller being the District Commissioner—for the possession of that. Now, the Wakamba have represented on many occasions through the proper channels that the prohibition of possessing sugar in those districts should be removed. Now, it has not been possible to do that. Under the result of their representation, I put a question in Legislative Council here last year, or the year before, asking that the purpose which this Ordinance wanted to implement in 1923 or 1926 does no longer hold to-day and I asked the Government whether they could consider repealing the Ordinance. Now, that was not successful and the Government stated that they were not going to repeal the Ordinance, but what they were going to do was to give me the scheduled areas to which this law applied. I have not got that up to now and I would like the hon. Member, if he can, to tell us where this law is at present the moment applied. At the moment, I am giving the Wakamba district as an example because I know there the difficulty is experienced very greatly. As I say, the purpose of the law was to check excessive drunkenness in certain of the African areas and that is an evil that this law wanted to cure and I am suggesting that the law has introduced even greater evils by this prohibition of the possession of sugar in the prohibited areas. Now, those people who have access to the source of the supply of sugar, import sugar into the prohibited areas illicitly and they sell at colonial prices—black market prices. The buyers would not disclose the source of supply because they know it is prohibited and therefore they are made to act illegally by people who want to exploit the situation. I suggest, Sir, that that is a greater evil to the morality of people than if the law did not exist.

The further point which results out of the prohibition of sugar in these areas is this: that because people know that they cannot get sugar, they get into the honey

[Mr. Mathu]

trade and honey is not governed by that law and those who can get honey by keeping bees, tap a very lucrative market in the areas where sugar has been prohibited and the local people again suffer by buying this commodity at very exorbitant prices from the people.

Now, the final point I want to make before I sit down is that I appreciate that the amendment provided for under section 3 is an improvement over the existing law in that the controller can now invoke one section to prohibit the operation of the sugar mills where sugar cane is grown or to invoke that section which would prohibit the possession of sugar. I admit that is an improvement because it does give some relaxation which does not exist in the present law, but all the same, Sir, I think the best thing would be, not to prohibit either the operation of the sugar mills or possession of sugar, because I say that we try to cover an evil and we introduce many other evils which demoralize the population in the areas where this law is applied.

Mr. Speaker, I beg to oppose the Second Reading.

LADY SHAW (Ukamba) Mr. Speaker, I beg to support the fact that this prohibition is inadequately applied does not, in my view, take away from the virtue of the prohibition itself. In the time that I have lived in the areas which have just been referred to by the last speaker, I have seen a vast increase in drunkenness, not only among old men—who have been recognized as people who may drink, and rightly recognized, I think—now not only old people, but young people, not only men, but women. Therefore, I most firmly believe that if there is any measure which will make it easier to apply this prohibition it should be welcomed.

I beg to support.

THE CHIEF SECRETARY: Mr. Speaker, Sir, as I understand it, this Council is concerned with the Bill before it, it is not concerned with the original Ordinance. As I understand it, also, the hon. Mr. Mathu supports the Bill which is before the Council and I would like merely to say categorically that, if it were open to this Council to consider the substantive Ordinance as opposed to the Bill before

the Council, the necessity for that legislation still exists.

THE SPEAKER: No other Member wishing to reply, I will ask the Mover to reply.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I was also going to point out to the hon. Member representing African areas, that we are not—as far as I am aware—only considering the principal Ordinance, we are considering a Bill to amend the principal Ordinance, in detail. One of the main objectives of providing this amendment was, as he himself appreciates, in order to make it possible, for instance, for a Provincial Commissioner to prohibit the operation of sugar mills whilst at the same time not necessarily prohibiting the possession of sugar or sugar juice. It is the fact that we cannot at the moment apply certain sections of this Bill when it is so considered desirable, but can only apply the Bill as a whole, that has given rise to some of the hardships that have been referred to by my hon. friend, it is in order to remove those that this amendment has been introduced. I do, therefore, suggest, Sir, that its merit is that it will render the principal Ordinance easier to apply and remove hardships complained of. I do not think there is any other point to which I need allude.

The question that the Sugar Amendment Bill be read a Second Time was put and carried. Ordered to be read a Second Time and committed to a Committee of the whole Council.

SIR CHARLES MORTIMER: I think it will probably be for your convenience and certainly for the convenience of the hon. Members, if we take the whole of the Committee stages as they stand on the Order page, and the subsequent stages of all of them after we have disposed of the Committee stage.

THE SPEAKER: That is all the Bills you have got?

SIR CHARLES MORTIMER: Sir, I was speaking as prospective Chairman of the Committee.

THE SPEAKER: But will you take the Chair in Committee on your own Bills?

SIR CHARLES MORTIMER: Yes, Sir, an amendment that I have proposed, I have arranged for someone else to put forward.

THE SPEAKER: I will leave the Chair.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

Local Government (County Councils) (Amendment) Bill

The question was put and carried.

The Municipalities (Amendment) Bill (Clause 2)

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that clause 2 be amended by deleting paragraph (a) thereof and substituting the following new paragraph:

(a) by substituting for paragraph (a) thereof the following new paragraph:—

(a) two Members of the County Council of Nairobi to be nominated by the Member

The object of this amendment is, I hope, perfectly obvious. We have now a County Council and it is no longer necessary therefore to refer to Nairobi District Council.

With your permission, Sir, while I am on my feet, may I refer to this clause in general. I want to give this Council the assurance that this part of the clause emanated from the Nairobi County Council. There is no question of this being in any way associated in its inception with the second part of the clause, and I hope that we shall not have any statements or aspersions this morning which would reflect on either the County Council or the City Council; those bodies are not here to answer and I hope nothing will be said which reflects upon them.

MR. BLUNDELL: Has the hon. Member got any reason to believe aspersions and reflections are going to be cast on anyone.

Question proposed.

MR. HARRIS: I have given notice of another amendment to this clause—shall I give it later or would you like to take them together?

THE CHAIRMAN: You must move it as an amendment to this one.

The question of the amendment was put and carried.

MR. HARRIS: Mr. Chairman, Sir, I beg to move an amendment to that amendment by the deletion of the words: "to be nominated by the Member" and the substitution of "appointed by the County Council". Now, Sir, I have given most of my reasons in this debate on the Second Reading, but I would like to point out that in the Committee a few minutes ago, in the County Councils Bill, we have approved a clause whereby the central Boards and Municipalities appointed to the County Council, but presumably under this clause, it is the intention to nominate from County Council to the Central Board. Just for the sake of consistency, I would suggest that Government might accept my amendment.

Question proposed.

MR. A. B. PATEL: I beg to oppose the amendment moved by the hon. Member for Nairobi South. I have already given my reason when I spoke on the Second Reading of the Bill—that it will be better to have this provision as it stands, namely to be nominated by the Member.

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Chairman, I think it would be for the convenience of the Committee if I indicated that I am prepared to accept this amendment, I should point out to the Members who do not like the proposition, that these are liaison Members and it is difficult to imagine circumstances in which liaison Members can really be chosen except by the bodies whose interests they represent. It has been the practice for Members for Local Government to consult the bodies from whom these Members are to be drawn, to take their advice, in fact, their nominations, and confirm their recommendations. Now the previous Council accepted the principle of this in the County Councils Ordinance. When the County Council Ordinance came before the previous Council, the term "nominated by the Member" was used and the amendment was proposed from this side and accepted by the Council which put it into the form in which you see it in the previous Bill.

[The Commissioner for Local Government!]

I feel, therefore, that there is no principle involved in this; to retain the wording we have here would be to distinguish—and to distinguish without justification between two Local Government bodies and I would ask the Committee, therefore, to accept the amendment.

DR. HASSAN: I do not agree. The appointment of these two bodies, of the Nairobi City Council and County Council are all made by the Member, therefore, it is the question of appointment by the Member, not merely liaison officers, who are going to sit down and watch the proceedings. Therefore, why should this be changed in this case? I, personally, feel that the Bill—as it is framed should remain as it is.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Whilst I appreciate the point raised by my hon. friends, Mr. Patel and Dr. Hassan, I would like to say, Sir, that there are indeed some other principles at stake. We are getting to the point of joint consultation between two Local Government bodies. The principle, surely is that the Local Government body concerned should have the right by election to chose its own representatives on other bodies. I think we are in danger of getting confused between the principles of that and the constitution and membership which has been raised by my hon. friend. I would suggest that we do not get confused on this matter—the right of the Local Government body to elect a representative to another Government body is a principle of importance which will be of use in the years to come, whereas the membership is a changing matter. I ask them under the circumstance to reconsider it.

MR. A. B. PATEL: There is no confusion in my mind any rate. I can assure the hon. Member for Finance that we Asian Members oppose the constitution of the County Council. When the Bill came here we were highly dissatisfied with the whole arrangement and now when that County Council is to nominate two Members to the City Council, we strongly oppose, because we know for certain that there is no opportunity for any non-European Member to be selected by that body. That is the reason

that we have greater faith in the nomination by the Member than in the body which will return two Members. There is no confusion—our minds are absolutely clear on this issue.

We strongly oppose the amendment moved by the hon. Member for Nairobi South.

DR. HASSAN: Very small majority.

MR. HARRIS: Mr. Chairman, I would like to make it quite clear to my hon. friend who has just spoken, that Nairobi City Council for six years, have always maintained a minimum of two non-European on the aldermanic bench. That selection was by a body, which is predominantly European. I do not think it is a very good argument that because it has a European majority there will be no non-European representation.

The question of Mr. Harris's amendment to the amendment was put, and on a division was carried by 29 votes to 16 votes. (AYES: Mr. Adams, Dr. Anderson, Messrs. Blundell, Blunt, Group-Capt. Briggs, Major Cavendish-Bentinck, Messrs. Carpenter, Crosskill, Lt.-Col. Gheric, Messrs. Griffith-Jones, Harris, Hawlock, Hunter, Major Keyser, Sir Charles Mortimer, Chief Mukima, Messrs. Okwirry, Petrie, Potter, Riddoch, Mohamed Ali Said, Lady Shaw, Mr. Shaw, Messrs. Slade, Taylor, Turnbull, Usher, Vasey, Whyatt, 29. NOES: Messrs. Awori, Cooke, Gikonyo, Dr. Hassan, Mr. Jeremiah, Dr. Karve, Messrs. Madan, Sheikh Mahfood Mackawi, Ohanga, A. B. Patel, J. S. Patel, Sir Eboor Pirbhai, Messrs. Sheriff Abdullah Salim, Chanan Singh, Tameno, Zufrud-Deen, 16. ABSENT: Messrs. Astley, Edey, Lt.-Col. Grogan, Messrs. Hope-Jones, Mathu, Roddan, Windley, 7. PAIRED: Messrs. Cowie, Maconochie-Welwood, 2. TOTAL: 54.)

THE CHAIRMAN: The amendment proposed by the Commissioner for Local Government will, therefore, be amended and will stand as follows:—

"That clause 2 be amended by deleting paragraph (a) thereof and substituting the following new paragraph—

(a) by substituting for paragraph (vi) thereof the following new paragraph—

[The Chairman]

(vi) two members of the County Council appointed by the County Council;."

The question of the amendment was put and carried.

THE CHAIRMAN: Suspension of business. The Committee will suspend business for fifteen minutes and resume at twenty minutes past Eleven o'clock.

Council adjourned at five minutes past eleven o'clock and resumed at twenty-five minutes past Eleven o'clock.

MR. GIKONYO: I beg to move an amendment to clause 2 (b) line 16. Instead of the word "three" insert the word "four".

My reason, Sir, is that yesterday the hon. Member, the Commissioner for Local Government, did mention that the work of the city councillors has increased very greatly and I feel that three African councillors cannot efficiently be expected to cope with the work that is on their shoulders. The African population in Nairobi has very much increased and their affairs to be represented by three members is almost an impossible task. In addition to that, Mr. Chairman, it has got to be remembered that the City Council do not pay allowances to its members and the African members in addition to representing the African interests on that Council they have got to make a living, and it becomes more difficult for them to make ends meet with the amount of committee work that they are subjected to. For this reason, Mr. Chairman, I feel that this Council will agree that the African representation on that Council at the present time should be four and not three.

About a year ago a deputation from the Nairobi African Advisory Council waited on the ex-Governor, Sir Philip Mitchell, and requested him that the time had come when African representation on the Nairobi City Council should be made eight. Now, if Government cannot accept the figure eight, I feel that it is very reasonable to ask that they accept the figure four, and I feel that it is very reasonable to ask that they do accept the figure four, and I feel that it is a step forward to easing the burden that at present is shouldered by the two African councillors on the City Council.

Mr. Chairman, I beg to move.

Question proposed.

MR. MATRU: I do not want to expand very much on what the hon. Mover said, but I should like, Sir, to make this one point; that Nairobi is growing very rapidly indeed and it is not only the chief city in Kenya, it is the chief city of East Africa, Sir, and I would say, I think, that it is definitely one of the most important cities in the whole of Africa, and a city of such importance with over 100,000 Africans, Sir, would require a very effective representation of the African residents in that city. The amendment which has been proposed, I think it includes a very modest request that an extra member be added to the membership of the Council from the African community residing in Nairobi, making the number from three to four, and as my hon. friend, the Mover, has said the African Advisory Council, which is a body recognized by the city authorities here and recognized by the Government, has represented many times that they would require greater representation on the Council. On the occasion to which my hon. friend referred, they asked that eight members be the representatives of the African citizens of Nairobi—what we are asking now is that the membership of the Africans on the City Council should be four altogether, and that, I think, is a very modest request and I hope that the Committee will support us in that request.

I beg to support.

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Chairman, I cannot ask the Committee to approve this amendment. I do not want the Committee to consider this matter on the basis of racial representation or of Africans looking after African interests, or on any basis of that kind. Nairobi City Council spends £1,000,000 of revenue every year; it has got a five-year capital programme of £6,500,000. Included in that is £2,000,000 of African housing. Every other item, without a single exception, confers, in some way, benefits on Africans, and I believe that every member of Nairobi City Council represents Africans and every member is there in the interests of Africans as well as the other citizens of that city, and I do not, therefore, want you to approach this on a basis of representation. I put it on

[The Commissioner for Local Government] another basis; I said the business has grown so much that it is rather a burden on two Africans and I thought it could be shared among three with benefit. I still think that three can carry that burden and ask the Committee to accept the clause as drawn.

MR. MATHU: Mr. Chairman, I appreciate the point raised by my hon. friend, the Commissioner for Local Government, and I entirely agree with him, but there is this other point which I think should be borne in mind, that the residential areas of the African community in the city are very scattered and, in fact, all over. In addition to the locations, where you have a compact body of African inhabitants, you have the non-African areas where you have African workers residing, and I think it is important that there should be a number of members chosen from these geographical areas so that they can consult African citizens in those areas in regard to matters which closely affect them, so that when the African councillors bring these matters before the City Council, which, as my hon. friend, said, is not composed of racial compartments in the sense that they only look after one race, that they will have this advice of the African who knows these problems personally, who knows and lives with the other Africans in the various areas, therefore his advice to the City Council would be more effective than someone who has not got the experience of these—they may not be very major problems—minor problems which are of tremendous importance to the healthy development, healthy livelihood of the African citizens of the city. It is for that reason, the fact that there is a scattered African population, that they would like consultation in order to bring matters before the Council.

MR. CHANAN SINGH: I support the amendment moved by the hon. Mr. Gikonyo. I feel that it is a very reasonable demand. When one remembers the number of committees that the Municipality forms from time to time, one must appreciate that three African members will bear a very great burden, and so far as the remarks of the hon. Commissioner for Local Government are concerned, I do not think they have very great relevancy, because the composition of

the Council now is on a racial basis and the African community have certain interests. I think four members is not too much at all.

MR. HARRIS: Just asking for information, Sir, could the last hon. Member tell me how many committees there are?

MR. CHANAN SINGH: There must be a large number.

MR. BLUNDELL: Does he not know? If he does not know, how can he get up and make a statement that there is a large number? Can he tell us?

MR. CHANAN SINGH: I do not know.

MR. BLUNDELL: Will the hon. Member withdraw the statement. Either he must know there is a large number or he does not.

MR. A. B. PATEL: One may know there is a large number without knowing the exact number, that is common sense. I am surprised that the leader of the European Elected Members does not know that the City Council does require a large number of committees.

MR. HARRIS: He said, "When one remembers the City Council, which, as my hon. friend, said, is not composed of racial compartments in the sense that they only look after one race, that they will have this advice of the African who knows these problems personally, who knows and lives with the other Africans in the various areas, therefore his advice to the City Council would be more effective than someone who has not got the experience of these—they may not be very major problems—minor problems which are of tremendous importance to the healthy development, healthy livelihood of the African citizens of the city. It is for that reason, the fact that there is a scattered African population, that they would like consultation in order to bring matters before the Council."

MR. JEREMIAH: Mr. Chairman, I also support the Motion moved by my hon. friend, Mr. Gikonyo. With regard to the number of committees, I think the only answer would be that there is a large amount of committee work and there are many committees in the City Council. Well, the thing that can convince us that that is the case is the reason explained by the hon. Mr. Gikonyo yesterday, that due to the many meetings, the hon. Member for Nairobi South found it necessary to report him to the *East African Standard*. The reason was that the committees are so many the hon. Member was not able to be at all of them, and therefore, Sir, I think four members will still find it very difficult to deal with all the work, and to attend all the committees which are in existence in the City Council. Therefore, I think the request is very modest, and I do not see why hon. Members cannot accept it.

THE CHAIRMAN: Are there any further contributions to this debate on this amendment.

The question was put and on a division was negatived by 28 votes to 15. (AYES:

Messrs. Awori, Gikonyo, Dr. Hassan, Mr. Jeremiah, Dr. Karve, Messrs. Mathu, Ohanga, Okwirry, A. B. Patel, J. S. Patel, Sir Ebooo Piribhai, Messrs. Sheriff Abdul-tah Salim, Chanan Singh, Tamenno, Zafrud-Deen, 15. NOES: Mr. Adams, Dr. Anderson, Messrs. Blundell, Blunt, Major Cavendish-Bentinc, Messrs. Carpenter, Crosskill, Edye, Lt.-Col. Ghesie, Messrs. Griffith-Jones, Harris, Havelock, Hunter, Major Keyser, Sir Charles Mortimer, Chief Mukima, Messrs. Petrie, Potter, Riddock, Roddan, Lady Shaw, Mrs. Shaw, Messrs. Slade, Taylor, Turnbull, Usher, Vasey, Whyatt, 28. DID NOT VOTE: Mohamed Ali Said. 1. ABSENT: Mr. Astley, Group-Capt. Briggs, Mr. Cooke, Lt.-Col. Grogan, Mr. Madan, Sheikh Mahfood Mackawi, Mr. Windley. 7. PAIRED: Messrs. Cowie, Maconochie-Weirwood, 2. TOTAL: 53.1

The question that clause 2, as amended, stand part of the Bill was put and carried.

The question that clauses 3 and 4 stand part of the Bill was put and carried.

Clause 5

THE COMMISSIONER FOR LOCAL GOVERNMENT: Mr. Chairman, I beg to move that paragraph (d) of clause 5 be amended by inserting after the word "by" where it first occurs in line 36 on page 2 the word "the". This is to correct a printing error.

Question proposed.

The question was put and carried.

Clause 6

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that clause 6 be amended by inserting after the word "of" in line 11 the word "the". Again a typographical error.

Question proposed.

The question was put and carried.

The question that clauses 5 and 6 as amended, and clauses 7, 8 and 9, un-amended, stand part of the Bill was put and carried.

Clause 10

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that clause 10 be amended—

(a) by re-numbering the proposed new section as sub-section (1) of section 133A;

(b) by deleting the words and figures "after the 1st day of November, 1952";

(c) by adding to the proposed new section the following new sub-section:—

"(2) This section shall be deemed to have come into operation on the first day of November, 1952."

I am advised that by this amendment we are more certain of achieving the object we want which really is to include Nakuru Municipal Council within the ambit of this clause. The Proclamation for the Nakuru Municipal Council was signed by the Governor in November of last year.

I beg to move.

Question proposed.

The question was put and carried.

The question that clause 10, as amended, stand part of the Bill was put and carried.

Schedule

MR. HARRIS: Section 59. It seems there might be a consequential amendment, I am not quite sure. Having deleted the words "subject to the consent of the Governor", is it still necessary to retain the proviso in the original Bill, Sir, under section 59 (16)? It seems to me to be redundant, Sir.

THE COMMISSIONER FOR LOCAL GOVERNMENT: I think the hon. Member has a point there, Sir. The proviso does depend on the consent of the Governor being required, I would have no objection to accepting an amendment to delete the proviso as well.

MR. HARRIS: I would be quite content to just bring that to the notice of Government and if necessary delete the proviso afterwards.

THE CHAIRMAN: It looks to me, after a quick look, that the proviso has no meaning having deleted "subject to the consent of the Governor".

THE SOLICITOR GENERAL: I think the correct way of deleting the proviso would be to add to paragraph (a) in the Schedule opposite "section 59", the

[The Solicitor General] words "and the proviso to that paragraph".

THE CHAIRMAN: The question before the Committee is that the Schedule stand part of the Bill. Someone will have to move an amendment that section 59, clause (a) "delete the words 'subject to the consent of the Governor'" be added to in the manner stated. Will you propose it?

THE SOLICITOR GENERAL: I beg to move that paragraph (a) opposite "section 59" be amended by adding thereto the words "and the proviso to that paragraph".

Question proposed.

The question was put and carried.

The question that clause 11, and the Schedule, as amended, stand part of the Bill was put and carried.

The question that the title and enacting words stand part of the Bill was put and carried.

The Medical Practitioners and Dentists (Amendment) Bill

The question was put and carried.

The African Housing Bill

Clause 1

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move, in clause 1, delete the word "African" appearing there. This amendment and a number of other amendments which it will be my duty to propose to the Bill are to give effect to a suggestion which was made by the hon. Member for Mombasa during the Second Reading of the Bill, that Coastal residents, Arabs and others, who do not come within the definition of "African" should be entitled to be housed under the provisions of this Bill.

I beg to move.

Question proposed.

The question was put and carried.

Clause 2

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move in clause 2, substitute for the definition of "dwelling" appearing therein the following—

"Dwelling" means a building the whole or part of which is intended to provide residential accommodation for

Africans, or for Arabs, Baluchis, Somalis, Abyssinians, Malagasies or Comoro Islanders.

I have already outlined the object of this amendment, and I beg to move.

Question proposed.

MR. JEREMIAH: Just to ask a question, where do the Sudanese come from, are they Africans?

THE CHAIRMAN: I think I am right in saying Sudanese are Africans under the definition of "African" in the Interpretation and General Clauses Ordinance. They are not specifically mentioned, but they are indigenous residents of Africa.

SHERIFF ABDULLAH SALIM (Arab Representative): I just want to ask one question, Sir. When you include Baluchis it means you include Asians, so that instead of putting in the word "Baluchis", "Asian" would do.

THE COMMISSIONER FOR LOCAL GOVERNMENT: I am probably the least familiar in this room with the definition of "African", and the distinction between Africans and the others mentioned here. I can only say the genesis of this came from the definition of "African" which we have in the Interpretation and General Clauses Ordinance and which, therefore, unless it is excepted in a way like this, governs the word "African" wherever it appears in any other Ordinance. These Arabs, Baluchis, Somalis, and the others are exempted from the definition of "African" in the Interpretation and General Clauses Ordinance, and if, therefore, we wish to give them the benefit of this Bill, we must do so in this way.

DR. HASSAN: There is no doubt what my friend has said—that Baluchis are Asians—and it is also a fact in the definition of Africans in certain laws and bills that Baluchis have been included among Africans which I know is a mistake, and representations are going to be made to move them off the list of Africans, but I welcome this inclusion of Baluchis although there are other Asians equally deserving to benefit from this measure. But still, I think, Asians as Asians, it is better to be excluded from this Bill.

The question that clause 2 be amended by substituting for the definition of "dwelling" appearing therein the following: "Dwelling means a building the

whole or part of which is intended to provide residential accommodation for Africans, or for Arabs, Baluchis, Somalis, Abyssinians, Malagasies or Comoro Islanders."; was put and carried.

The question that clause 2 as amended stand part of the Bill was put and carried.

The question that clauses 3 to 28 inclusive stand part of the Bill was put and carried.

Title and Enacting Words

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move in the Long Title an amendment as follows—

(a) delete the word "African" appearing therein; and

(b) insert after the word "dwellings" the words "for certain classes of the population"

Again the object is the same as in my earlier amendments.

I beg to move.

The question that the Long Title as amended stand part of the Bill was put and carried.

The Local Government (Eldoret Hospital Rate) (Amendment) Bill

The question was put and carried.

The Local Government (District Councils) (Amendment) Bill

The question was put and carried.

The Sugar (Amendment) Bill

The question was put and carried.

The Patents (Registration) (Amendment) Bill

The question was put and carried.

The Industrial Licensing (Amendment) Bill

The question that clauses 1 to 24 stand part of the Bill was put and carried.

First Schedule

THE SECRETARY FOR COMMERCE AND INDUSTRY: I beg to move that the First Schedule be amended as follows:—

For the words "caustic soda" in line 14 of the Schedule substitute the following: "caustic soda other than caustic soda manufactured by way of recovery

from residue resulting from the use of caustic soda in any process".

Sir, I explained the reason for that amendment when moving the Second Reading.

The question that the First Schedule as amended and the Second, Third, Fourth and Fifth Schedules stand part of the Bill was put and carried.

The question that the Title and Enacting Words stand part of the Bill was put and carried.

THE CHAIRMAN: That completes the consideration of the Bills submitted to the Committee.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER (Chairman of the Committee): I beg to report that the Committee of the whole Council has considered all the Bills remitted to it, clause by clause, and has approved of the following without amendment: The Local Government (County Councils) (Amendment) Bill

THE SPEAKER: One at a time. I have no method—report each in the order they appear on the Order Paper.

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, The Local Government (County Councils) (Amendment) Bill and has approved the same without amendment.

BILLS

THIRD READINGS

The Local Government (County Councils) (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that the Local Government (County Councils) (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that The Local Government (County Councils) (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, and approved without amendment The Municipalities (Amendment) Bill.

BILLS

THIRD READINGS

The Municipalities (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that The Local Government (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that The Municipalities (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, and approved without amendment The Medical Practitioners and Dentists (Amendment) Bill.

BILLS

THIRD READINGS

The Medical Practitioners and Dentists (Amendment) Bill

THE DIRECTOR OF MEDICAL SERVICES: I beg to move that the Medical Practitioners and Dentists (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that the Medical Practitioners and Dentists (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, and approved, with amendment, the African Housing Bill.

BILLS

THIRD READINGS

The African Housing Bill

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I beg to move that the African Housing Bill, now called the Housing Bill, be now read a Third Time and passed.

Question proposed.

The question that the Housing Bill, formerly the African Housing Bill, be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, the Local Government (Eldoret European Hospital Rate) (Amendment) Bill and has approved the same without amendment.

BILLS

THIRD READINGS

The Local Government (Eldoret European Hospital Rate) (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that the Local Government (Eldoret European Hospital Rate) (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that the Local Government (Eldoret European Hospital Rate) (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, and approved without amendment the Local Government (District Councils) (Amendment) Bill.

BILLS

THIRD READINGS

The Local Government (District Councils) (Amendment) Bill

THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that the Local Government (District Councils) (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that the Local Government (District Councils) (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, and approved, without amendment, the Sugar (Amendment) Bill.

BILLS

THIRD READINGS

The Sugar (Amendment) Bill

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that the Sugar (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that the Sugar (Amendment) Bill be read a Third time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, The Patents (Registration) (Amendment) Bill and has approved the same without amendment.

BILLS

THIRD READINGS

The Patents (Registration) (Amendment) Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: I beg to move that The Patents (Registration) (Amendment) Bill be now read a Third Time and passed.

Question proposed.

The question that The Patents (Registration) (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that a Committee of the whole Council has considered, clause by clause, The East African Industrial Licensing Bill and approved it with amendment.

BILLS

THIRD READINGS

The East African Industrial Licensing Bill

THE SECRETARY FOR COMMERCE AND INDUSTRY: I beg to move that The East African Industrial Licensing Bill be now read a Third Time and passed.

Question proposed.

The question that The East African Industrial Licensing Bill be now read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

BILLS

SECOND READING

The Customs Tariff (Amendment) Bill

THE SECRETARY TO THE TREASURY: I beg to move that the Customs Tariff (Amendment) Bill be now read a Second Time.

This Bill provides duty-free treatment for gifts sent by members of East African forces who are serving outside of Kenya to their friends and families in Kenya. A similar privilege is granted by Her Majesty's Government to British troops serving outside the United Kingdom and certain other African Governments are either legislating, or propose to legislate similarly.

The purpose of this legislation is really to encourage contact between members of the forces serving overseas and their friends and families here. Limits will be placed administratively on the value and number of parcels which may be sent by each soldier. These limits will be discussed by the Commissioner of Customs, and the appropriate service

[The Secretary to the Treasury] authorities. I should point out at this stage that the Bill refers to the gifts sent by parcel post and as it is possible that the gifts may also be sent by letter post, it is proposed to delete the word "parcels".

The passing of this Bill would entail a small loss of revenue in that a comparatively small number of the parcels are at present sent to this country. It is believed that the passing of this Bill will increase the number of parcels sent, and therefore the Bill increases the potential revenue while at the same time waiving it.

Sir, I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question that the Customs Tariff (Amendment) Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council for consideration.

The Development Loan Bill

THE MEMBER FOR FINANCE AND DEVELOPMENT I beg to move that the Development Loan Bill be read a Second Time.

Sir, I do not propose to detain the Council long on this particular measure. The Council is well aware that this is the third loan that will be raised, if this Bill is approved, for the purpose of financing the Colony's development projects. The Council is well aware that there is now sitting a Planning sub-committee of the Executive Council on which the four Unofficial Members of the Executive Council, as well as four Government Members, are members. They are considering the reorganization of our development plan. The period they are now considering is 1954 to 1956. They will have before them the figures of the outstanding projects as at the end of 1953. Whatever the details of their approval are, the thing that they recommend to this Legislative Council—the finance we are now considering will have to be raised. In the Committee stage, Sir, I will be moving, with your permission, an addition to section 3 (1) of which I have already given notice

at the table. This will deal with the question of transferring the balance of the sum remaining, after the deduction of expenses of issue, into the Stamp Duties Fund.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

The question that the Development Loan Bill be now read a Second Time was put and carried.

Ordered to be read a Second Time and committed to a Committee of the whole Council for consideration.

MOTION

EXEMPTION OF THE TEA BOARD OF KENYA FROM INCOME TAX

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that:

BE IT RESOLVED that this Council approves of an Order being issued by the Governor under sub-section (2) of section 11 of the East Africa Income Tax Management Act, 1952, exempting from income tax the income of the Board of Kenya established under the Tea Ordinance, 1950.

Sir, when the Kenya Income Tax Ordinance, 1940, was replaced by the East Africa Income Tax Management Act of 1952 and the Kenya Income Tax (Rates and Allowances) Ordinance of 1952, no provision was made to continue the exemption from tax which had already been granted on the income of the Tea Cess Board which was established under the Tea Cess Ordinance of 1937. That Tea Cess Ordinance was repealed by the Tea Ordinance of 1950. Under sections 3 and 4 of the Tea Ordinance of 1950, the assets of the Tea Cess Board were transferred to the newly constituted Board called the Tea Board, whose income is solely derived from a cess and can only be used for the purposes similar to that of the original Tea Cess Board. The Board does not trade for profit and in the circumstances the Government consider that the exemption enjoyed by the old Tea Cess Board should be allowed to the new Tea Board, and now this resolution places the position back to where it was before the passing of the East African Income Tax Management Act.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

MR. JEREMIAH: Mr. Speaker, I would like, Sir, for the hon. Member when he replies, to tell us whether, in case this Motion is approved, we shall expect a price decrease in tea, seeing that prices are rising all the time, perhaps that was due to the income tax that the Board was paying. Now that he seeks to remove that income tax, do we expect decrease in prices?

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

THE MEMBER FOR FINANCE AND DEVELOPMENT: Sir, I regret the fact that my very lucid explanation of what has been going on has not been understood by the hon. Member opposite. I thought I had explained that no tax had been paid and that we are trying to make sure that no tax will be paid by the Tea Board in the future. As they have obviously not paid any in the past it could have had no effect on the price of tea, nor will it in the future, although I think this particular matter is outside our considerations.

The question was put and carried.

MOTIONS

ALTERATION OF BOUNDARIES OF TSAVO NATIONAL PARK

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I beg to move:—

WHEREAS on the 22nd day of February, 1952, this Council resolved that consent be given to the alteration of the boundaries of the Tavro National Park as described in Proclamation No. 17 of the 2nd day of April, 1948, to include the areas described in the Schedule to the Resolution:

AND WHEREAS the Governor considers it expedient that in lieu of the alteration of boundaries referred to in the said Resolution the boundaries of the aforesaid Tavro National Park shall be altered in the manner hereinafter appearing:

AND WHEREAS the trustees of the Royal National Parks of Kenya have consented to such alteration of the said boundaries:

BE IT RESOLVED THEREFORE in accordance with section 4 of the Royal National Parks Ordinance that this Council do consent to the alteration of the boundaries of the aforesaid Tavro National Park by adding thereto the areas of land described in the First Schedule hereto and by deleting therefrom the areas of land described in the Second Schedule hereto.

FIRST SCHEDULE

Additions

Area No. 1—Tavro River Area

Commencing at a point on the 3° 10' parallel and on the existing boundary of that portion of the Tavro Royal National Park due north of the north-western corner of the Teita Temporary Native Reserve;

thence due north by a straight line to its intersection with the centre line of the Tavro River;

thence down-stream by the centre line of that river to its intersection with the eastern boundary of the Mombasa-Nairobi railway reserve;

thence generally southerly by that railway reserve boundary to its intersection with the 3° 10' parallel;

thence due west by a straight line by that parallel to the point of commencement.

Excepting and excluding the following areas:—

(a) Those sections of the Mombasa-Nairobi railway reserve which lie within the above-described area. This railway reserve shall be deemed to extend to a distance of 100 ft. on each side of the centre line of the existing railway line and to include all station and siding areas and all other areas reserved for railway purposes at the date hereof.

(b) Those sections of the Mombasa-Nairobi main road reserve which lie within the above-described area. This road reserve shall be deemed to extend to a distance of 100 ft. on each side of the existing carriage-way.

(c) Hotel plot at Tavro—40 acres.

[The Member for Agriculture and Natural Resources]

Area No. 2—Kavuma

Commencing at the westernmost corner of the Kwale Administrative district;

thence north-easterly by a straight line by the north-westerly boundary of such Administrative district to the highest point of Kavuma Hill;

thence north-easterly by a straight line bearing on the westernmost corner of Kasigau Native Land Unit for a distance of 80,000 ft.;

thence north-westerly by a straight line to the intersection between a line bearing from the south-easternmost point of Tsavo Royal National Park to the westernmost corner of Kasigau Land Unit and the 38° 30' meridian;

thence westerly by a straight line to the south-easternmost corner of that portion of the Tsavo Royal National Park.

thence due west by the southern boundary of that portion of the Tsavo Royal National Park (being the 30° 45' parallel) to its intersection with the inter-territorial boundary;

thence south-easterly by that inter-territorial boundary to the point of commencement.

Area No. 3—Jipe

Commencing at B.P. 67, a boundary pillar on the interterritorial boundary south-easterly of Lake Jipe;

thence south-easterly by that inter-territorial boundary to its intersection with the boundary of the Tsavo Royal National Park;

thence by that latter boundary due north for a distance of 73,920 ft.;

thence due west by the Tsavo Royal National Park boundary to a point 5,280 ft. from the eastern boundary of L.R. No. 7331;

thence by a straight line on a true bearing of 178° 11' 31" for a distance of 22,900 ft. to a point;

thence westerly by a straight line on a true bearing of 269° 10' 48" to its intersection with the interterritorial boundary;

thence by that interterritorial boundary to the point of commencement.

SECOND SCHEDULE

Exclusions

Area No. 1—Maktuu

Commencing at a point on the centre line of the Voi-Taveta Railway in the vicinity of Maktuu Station where that centre line is intersected by the eastern boundary of that portion of the Tsavo Royal National Park;

thence due south by that National Park boundary for a distance of 10,560 feet;

thence due west by a straight line for a distance of 5,280 feet;

thence due north by a straight line for a distance of 21,120 feet;

thence due east by a straight line to its intersection with the eastern boundary of that portion of the Tsavo Royal National Park;

thence south by that National Park boundary to the point of commencement.

Area No. 2—Tsavo Station

That portion of land known as L.R. No. 4344 of 30 acres, which lies on the north side of the Tsavo Railway Station.

Mr. Speaker, as hon. Members are aware, under the National Parks Ordinance, any additions to National Parks, any alterations to their boundaries or subsequently, possible exclusions, have to be submitted to this Council.

For a very long time, some four years, I think I am right in saying there have been discussions about the boundaries of this Tsavo National Park, with the idea of making certain additions therein. These various proposals have been discussed and investigated, and they have been of a highly contentious nature. Last February a Motion was moved suggesting certain boundaries which did not quite conform to the existing ones, and before they were actually proclaimed, further representations were made, mostly in respect of African interests, or possible future African interests, which caused us to reconsider these particular boundaries. As a result, we have had to slightly alter the boundaries that came before the Council at that time to the ones that are now before hon. Members.

The additions proposed are first of all that the Tsavo River area, an area

[The Member for Agriculture and Natural Resources] which has, I believe, been slightly reduced since it first came here, should now be added to the Park.

The second area is one south of the Tsavo River which would provide the park with water on both banks of the river, which is really essential for preserving the amenities and wild life of the Park. That is an area we have had to reduce but it still does provide the Park with what is required.

The third area is in the neighbourhood of Lake Jipe and will give the Park access to the southern tip of Lake Jipe.

All I can say is that these additions, alterations, are, we consider, in the interests of all concerned. They have been most carefully gone into. I submit them to Council for their approval.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

COL. GROGAN (Nairobi West): Mr. Speaker, I rise with regret to oppose this Motion, in so far as it refers to area number 3, where there is an issue between the Jipe Estates, in which I am an interested party, and the claims of the National Park.

A very important issue really is involved in this question because this is one of the outstanding examples where a large-scale agricultural operation is going on, it is in the process of development, with a long frontage on one of these game parks.

The issue that is going to arise in the future and which may take a very acute form, is whose responsibility it is for game coming out of the park and attacking other people's property. That issue, I think, did arise over the local park up here. What the result was, I do not know, but there is no question about it that sooner or later, that issue has got to be decided. In a case like this, for instance, if the Jipe Estate cattle move on to the game park, they are liable to be shot. The same thing applies to animals being farmed in the game park; they are also liable to be shot under the ordinary settlers' licence but the issue as to what happens in respect of any damage committed is another matter altogether. In the ordinary way of common law, if people—if the animals that they are farm-

ing go and invade other people's property and do damage, the gentlemen who are farming those cattle must inevitably be responsible for the damage they do. Now, generally speaking, in this case in particular, I being one of the interested parties in the Jipe Estate, have done everything I possibly could on a very long frontage to protect the game and I have never shot a beast since I had that property. Whenever there was excessive trouble we have brought in the Game Department and asked them, with the minimum amount of sacrifice to the game, to try and get rid of them so as to protect our property.

When this matter was discussed, so far as the Jipe area was concerned, it was a little bit of waste land that had been completely destroyed by the Masai. It was inaccessible from any areas without coming through our estate, and having been destroyed by the Masai, the estate pulled in for it in order to protect their flank from fly, which is on that particular bit of the area. It has no value of any kind or description in its present state, but on the other hand it is a nucleus of fly. These estates have spent very large sums of money—£150,000—in a frontal attack on fly. I think it is the biggest effort made in the whole of these territories in attacking the fly, in attempting to run cattle on the grand scale in the fly areas. They were entitled to ask for every possible protection they could imagine.

In respect of the division of this land, that was the principle that was recognized by the last Chief Secretary. He asked the hon. Colonel, Cowie, and myself to sit down and agree what proportions of this area we both required for the proper protection of our own interest. We sat down and made agreement and notified Government of what that agreement was. We thought that was the end of it, at least, I thought it was the end of it, because it having been quite clearly recognized we were to get this extension of land, we went on to the land and spent £4,000 on carrying on canal clearing, bush cutting and a series of ditches and so on, to check the erosion which was going on, on a grand scale. Twice these canals were washed away by erosion but eventually we got it under control. That, one would have thought, was the end of the argument but when the thing came to the

[Lt.-Col. Grogan] ... the final stage, having been approved all the way through by the Land Board, where the land was valued as wasteland at the nominal price of two shillings per acre, the thing was turned down by Executive Council. In spite of strong requests, no reasons have ever been given why; for turning down what was a perfectly friendly arrangement between ourselves and the game park, whereby the reasonable interests of both would have been adequately secured. Where you have got the problem of contact with the game park, the reasonable thing is to try to get the interested parties to agree, so as to avoid recommitments in future. If this does go on as suggested here and the game park people take no steps to eliminate this nucleus of fly, what is the position of the company? They have got to take a very expensive action, they have got to put people around in order to shoot every beast that comes across carrying fly. It makes it impossible to use areas of land that have already been cleared; costing three, four or five pounds an acre, because it is impossible to graze cattle within two miles of a nucleus of fly. Therefore, I suggest that it should be held for further consideration so that we can avoid being in a position of being at loggerheads with the game park, of being forced to claim damages against the game park for any damage they may do to property.

THE SPEAKER: It is now a quarter to one. Council will stand adjourned until ten a.m. on Tuesday next.

ADJOURNMENT

Council rose at forty-five minutes past twelve o'clock.

Tuesday, 12th May, 1953

The Council met at Ten o'clock.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:—

East African Tsetse and Trypanosomiasis Research and Reclamation Organization—Annual Report, 1952.
(BY THE CHIEF SECRETARY)

The Protected Areas Ordinance, 1949 (No. 28 of 1949)—Government Notice No. 684 of 24th April, 1953.
(BY THE MEMBER FOR EDUCATION AND LABOUR)

Treasury Memorandum on the Report of the Public Accounts Committee on the Colony's Accounts for 1949, dated 9th May, 1953.

Supplementary Estimates (No. 3 of 1953).

(BY THE MEMBER FOR FINANCE AND DEVELOPMENT)

NOTICES OF MOTION

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to give notice of the following Motion:—

WHEREAS under the provisions of the Customs Tariff Ordinance (Cap. 262) and the Refund of Customs and Excise Duties Ordinance (Cap. 273) the Navy, Army and Air Force Institute is granted relief from customs and excise duties in respect of goods purchased for resale to entitled persons.

BE IT RESOLVED that this Council agrees with the decision of Government that the N.A.A.F.I. be authorized to regard members of the Kenya Regiment as entitled persons for the purpose of purchasing from the Institute for such period, not extending beyond the period of the present Emergency, as the Governor may direct. (Applause.)

THE SECRETARY TO THE TREASURY: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED that this Council approves an amendment being made to the Second Schedule to the Pensions

[The Secretary to the Treasury] (Increase) Ordinance, 1951, by order of the Governor in Council made under proviso (iii) to sub-section (2) of section 3 of the Ordinance, to provide that with effect from 1st May, 1953, where the pension is a pension specified in the First Schedule to the Ordinance then subject to the provisions of the Ordinance—

(a) if the pension does not exceed £70 per annum the increase shall be 30 per centum of the amount of the pensions;

(b) if the pension exceeds £70 per annum but does not exceed £210 per annum the increase shall be 30 per centum of the first £70 of the pension and 7½ per centum of the remainder of the pension.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 103

MR. MATHU:

In view of the importance of encouraging African traders to play their full part in the economy of the Colony, will the Member for Finance state whether he is able to set up without delay a fund to assist suitable African businessmen as announced by the Governor, Sir Evelyn Baring, at his *baraza* in Kisumu on the 13th March, 1953?

THE SECRETARY FOR COMMERCE AND INDUSTRY: The question of financial assistance to African traders is now being considered by the Government, as a matter of urgency, and it is hoped to be able to make a statement in the near future.

THE SPEAKER: Before proceeding on to the Motions, I will call on Mr. Cooke.

RULING

TIME ALLOWED FOR QUESTIONS

MR. COOKE: Mr. Speaker, with your indulgence—I crave your guidance to ask for a ruling about a certain incident that occurred in this Council on Friday when you, Sir, put an end suddenly to the supplementary questions. Now, Sir, I know that you must be naturally the only person who can judge as to the length of questions or the propriety of the questions and that point is not brought into the question at all; but question time,

as is acknowledged by all the authorities in England, is one of the most cherished principles of the House of Commons, and it is, of course, really a right—or one might say a privilege of this Council—to be able to ask questions and to be able to follow up with supplementaries, but, Mr. Speaker, we all agree that it is a privilege which must not be abused. I think, every Member of the Council will agree to that. But far from—during my 15 years' membership of this Council—my ever seeing questions abused, I think that we do not indulge enough in that privilege. In fact, I had a letter not so very long ago from the editor of a Colonial legislature publication which is being brought out to-day, one of which is on the Kenya Legislative Council, which will soon come to light, in which she said—the author said—she was surprised we made so little use of question time.

Now, Sir, naturally no hard and fast rule can be laid down as to the nature of a question or its supplementaries, but I think we should be guided, Sir, in a matter like this, by the usages and practices in the English House of Parliament. I spent one or two hours during the week-end looking up the authorities on the matter and it appears to me that the Speaker in England only intervenes on three principal occasions. No. 1—if to answer the question is against the public interest; and No. 2—if the question is taking so long that it will leave no time for other questions on the Order Paper; and No. 3—if the feelings of the House or the Members of the House are so conveyed that the Speaker feels that the Members themselves have had enough of the question.

Now, I submit that none of these factors entered into the matter on Friday last. There was no question of it being against the public interest; it was the only question on the Order Paper of the Day and far from the Members of this Council being solicitous about the time wasted, our Leader of the Europeans, the Member for Rift Valley, and our ex-Leader, the Member for Trans Nzoia, were themselves persistent in asking for an answer to the question and yet, Sir, no answer was given because you, Sir, cut the supplementaries short. There is one smaller point; you did say, Sir, that the Speaker is the only person

[Mr. Cooke] who can ask an hon. Member to withdraw. Well, that, Sir, is contrary, I think—with all due respect—to the customs of the House of Commons where, of course, the loud clamour of "Withdraw, withdraw" is frequently heard. I think perhaps, Sir, that you meant to convey, when you used the word "ask", that probably only the Speaker can demand that an hon. Member should withdraw. In this case the hon. Member did not withdraw. I am not pressing any withdrawal at the moment—I am simply asking you if you will give us an indication of the proper manner of conducting questions and supplementary questions in this Council, and also as to whether I, or any other Member, can ask, through you, Sir, that an hon. Member shall withdraw an offensive expression.

THE SPEAKER: The hon. Member for the Coast was good enough to give me notice that he was about to raise this matter this morning and I have again looked over the Hansard and looked first of all at the question which was put by the hon. and gracious lady who represents Trans Nzoia—(Laughter.)

MAJOR KRYER: On a point of order, Sir—

THE SPEAKER: —represents Nyanza. The hon. lady who represents Nyanza asked the Member for Agriculture and Natural Resources to state "the terms and conditions which he has offered to the displaced Kikuyu for occupying the Trans Mara, Kwale and Mather's Ridge and he replied in these words: "In all cases, the terms and conditions are considered reasonable" and would, of course, if necessary, apply to persons of any tribe, but a detailed tabulation of these could scarcely be fitted into an oral reply". Now that, of course, may be a matter of opinion, as to whether these matters could be got into an oral reply or not, but the nature of the supplementary appears to be, with great respect to all hon. Members of the Council, to have very little to do with the terms and the conditions, and first of all, the hon. and gracious lady who represents Nyanza put it this way: "Would the hon. Member state whether or not it is the Government's intention to place or to settle Kikuyus in the Trans

Mara area". Well, that again might be a perfectly legitimate supplementary, but I have great doubts about that.

The hon. Member for the Coast then rose and said: "Will the hon. gentleman explain whether it is either a Makueni scheme or is it an individual holding scheme to establish the Kikuyus?". Now, with great respect to the hon. Member for the Coast, that is not a supplementary to the terms and conditions on which the Kikuyus are being placed on the land. It raises far greater and wider issues altogether. The answer has been objected to by the hon. Member for Agriculture and Natural Resources, saying that in his opinion Mrs. Shaw's question did not arise. Nonetheless, I did not ask the hon. Member for Nyanza to withdraw that question at all and it was awaiting answer. The hon. Member for Rift Valley also intervened, with all due respect, saying that the question of the hon. Member for Nyanza must arise out of the question. No doubt the hon. Member for Agriculture and Natural Resources was being a bit hard pressed, when the hon. Member for Trans Nzoia again wanted to know the terms and conditions which he had offered to displaced Kikuyus for occupying the Trans Mara area. Now, the terms and conditions in the original question were said to be not capable of being put in an oral reply. So that again is only pressure. The same matter is only being adumbrated and we have not got any further forward at all, so when we got to the stage of the hon. Member for the Coast rising again, and saying: "I am very puzzled over this matter, does he propose a scheme similar to the Makueni scheme or what scheme is envisaged?". When a Member has already stated that the terms of the question cannot be put into an oral reply, how can you go on asking that they must be put into an oral reply? Some discretion must be left to the Member who is bound to answer the question that is put to him.

Now, thereupon the reply was: "The hon. Member knows perfectly well that I am not thinking of anything like that". Thereupon, the hon. Member for the Coast rose and said, "I do not know perfectly well; I know nothing about this scheme. I think the hon. gentleman should withdraw that remark". Now,

[The Speaker] nothing here to be withdrawn at all (Applause.)

[The Speaker] what was there to withdraw? I put it to hon. Members, if they look at this thing carefully, there was nothing there to withdraw. There was no unparliamentary expression or anything of that kind. Now comes what is my function as Speaker? In the House of Commons, which the hon. Member for the Coast has referred to, the practice is every day to allow half an hour for questions. Half an hour for something like 500 or 600 Members, possibly a tenth of that time would be the correct arithmetical proportion for this Council. That, of course, would be an impossibility, and some discretion must be left to the Chair as to when the Chair forms the opinion that it is time either to call the next question or to have the Clerk call the next Order of the Day.

Now, this matter has been raised before. I intervened once some years ago and called the next question, but at that time we were being honoured by a visit of the late Deputy Speaker of the House of Commons, Major Milner, who was sitting in this hall at the time. Now, there was a great outcry on the part of I remember particularly, the hon. Member for Nyanza, that the questions were being cut short. However, I maintained my position and did cut them short, and I was informed directly afterwards by Major Milner that I had done exactly the right thing as would have been done in the House of Commons. Now, I did that deliberately on Friday morning because voices were being raised and it looked to me, in my capacity as Speaker, as if we might be on the verge of a scene, which might not reflect great credit on this Council. I therefore intervened, and I shall always intervene when I consider it the proper time to do so. Until such time as a Motion is moved in this Council condemning my attitude, I shall maintain that attitude. (Applause.)

With regard to whether an hon. Member has a right to ask another Member to withdraw a remark, that of course is purely a matter between Members themselves. I have not gone into it and no doubt a Member who is really disgruntled at something that is said by another Member may ask that Member to withdraw it, but, as I have pointed out a few moments ago, there was

nothing here to be withdrawn at all (Applause.)

MOTION

ALTERATION OF BOUNDARIES OF TSAVO NATIONAL PARK

Debate resumed.

DR. HASSAN: Mr. Speaker, Sir, I would like to speak a few words on this Motion moved by the hon. Member for Agriculture and Natural Resources regarding additions Nos. 2 and 3 to the Tsavo National Park.

No doubt, Sir, every Member in this Council likes that the national parks should make an absolute success in this country, not because it is an asset of Kenya, but it is a valuable asset of the United Kingdom and of the whole world.

I, personally, am one of those who love game and like to see them being protected in this country in the game parks. I feel proud that I was one of the members of the Game Policy Committee to investigate thoroughly in this country and establish these parks all over Kenya.

Regarding the boundaries of the Tsavo National Park, I had my views on this subject and it was not in favour of certain boundaries of this park, particularly situated south of the Voi and Taveta railway line, and particularly where it touches the Wagalla country.

At the time when these boundaries were established, it was thought that we had better include most of this area for the simple reason that later on when we find additions will be needed, we will be able to adjust the boundaries accordingly. I had my doubt of the particular area which is situated in Voi, south of the Voi-Taveta railway line, of making it a success by declaring it a national park, because the particular policy which forced us when having national parks was that national parks should be so situated that they do not clash with the vested interests and with the stock, and this particular area which was situated south of the Voi-Taveta line was not free from those clashes. This area is situated between Jipe on one side, Maktau on the other, Kasigau on the east and the Kwale land unit on the south. There were stock areas round about this particular piece of land; one herd of cattle belonging to the Telta

(Dr. Hassan) natives was at Maktau Station, which was using this part of the area. There was another herd of cattle on the Kasigau hill which was also using this part of the area; and the third herd was in the Mata village on Lake Jipe, which only wanted free access to the grazing area round about Jipe.

This area is one of the finest ranching areas in the whole of the Coast Province, with a very good climate and it was used up to last year by about 12,000 Masai cattle which came from Tanganyika country into this area and the cattle were doing very well in that area. This area has not any real road of access, water supplies are merely from the water holes which do not last through all the year and the cattle in this area during the last 20 years did better than in any part of the Coast Province. Masai cattle were shifted from there last year and those who did not obey the Government orders, their cattle were confiscated and sold.

Sir, after explaining the history of this area, I feel that this area, which I consider we will never make a success, which is further proved to-day by certain additions, which show that without these additions this area could not make a success, and I was of the same opinion at the time. To-day more complications have been created for this area. On the Jipe side a big chunk of land was given away to Jipe Sital Estate and they have embarked upon having a big ranching scheme for which they will be spending hundreds of thousands of pounds in clearing the bush and clearing the grazing area for their cattle, and they have got a fine herd of cattle, which has stood up to the climate during the last three years and appears to be making a success.

I feel if the Jipe Sital Estate has been given this land, it is the duty of the Government to see that they do not interfere with the biggest project they have undertaken.

The second thing, the Taveta native stock, the best herd of the Teita Hills have been at Maktau and was using that area before it was declared game park and is still grazing in that area and they have no other place to graze but that area, and by the National Park they

have suffered fairly heavy losses through lions killing their stock and so. They have to live in the vicinity of that station for the simple reason that water is only available at the station and they have to come every day to water their stock.

In my opinion the only way to make this area a successful game park was to include the whole of the area as far as Mackinnon Road and Manga; and not only the Government should not have given that chunk of land to the Jipe Sital Estate, but part of that estate should have been acquired from them so that the whole of this area would have made an excellent national park and the coast people, at least, should have felt very proud—if not showing anything in the shape of a development which is being done in the up-country—to show at least that we have some wild animals to show people who come to the coast. (Laughter.)

Sir, the coast has contributed very liberally for the Tsavo Park in as much as almost one third of the Coast Province is in this park already, and the people at the coast feel that if any further additions were needed, why was not the Chulu Range right up to Kibwezi not added, which is far more useful as a game park than taking a few hundred thousand acres of land best suited for ranching from the coast in a reasonably good climate.

I wonder whether the Government ever thought that if that area was open for some of the stock levers of up country, who were advised on medical grounds to go down to the coast, to start ranching there, it would have been of immense help to the development of the coast.

I still have an open mind and I hope the Government will clarify and give details of this scheme—whether all interested in the coast have been thoroughly consulted in these additions for this game park, and I shall certainly be the first person to support this measure if a satisfactory explanation is given by the Government.

Mr. Cowie (Nominated Member): Mr. Speaker, in regard to the Motion which is before the Council, there are actually three additions proposed and two excisions. As far as the additions are concerned, I would like to advise hon. Members that this involves no change of policy. Like the hon. Dr. Hassan, I was

(Mr. Cowie) also a member of the Game Policy Committee which was appointed to recommend the establishment and situation of national parks in this country. The boundary which that Committee originally recommended included the areas which are now before you for consideration. In 1943 this Committee put forward its report, known as the Second Interim Report, and in that it included the boundaries of what was recommended for the Tsavo National Park. This particular area, No. 3, was one of those that was held back by the then Chief Native Commissioner for further investigation because it seemed likely or possible that there may be a hope of some kind of African settlement. As far as the other areas are concerned, I think it is now quite clearly established that there are no other claims on these areas, because these questions have been debated, discussed and considered for something like five years.

As far as the No. 1 area is concerned, south of the Tsavo River, unless both banks of that river are included quite obviously most of the north bank is of no use. As far as the area, to which Dr. Hassan referred, is concerned, it is almost semi-desert, there is no water in it, it has a certain incidence of fly in various seasons, and all I can say is that wherever a national park has been established in this country people come afterwards who previously had no claim whatsoever, and clamour for something out of that national park. It seems to provoke some feeling of jealousy or covetousness which people previously never had.

It is a case, Sir, that the national parks in this country have been established more or less on the basis of crumbs from the rich man's table. The rich man has sometimes been the symbolic figure of a member of Government, or perhaps he has been an African with two goats or a miner searching for minerals, or perhaps he has been a member of those rather respectable and impressive landed gentry. Whatever it may be, I do assure you that these questions have been debated as much as anything that has ever come up in this Council.

As far as the excisions are concerned, one is to excise from the existing Tsavo National Park a leather factory which is situated next to Tsavo station. That was

included by mistake and quite clearly it should have been excluded. The other excision is Maktau station, and referring to the point raised by the hon. Dr. Hassan, requests have been received to give more room round the station reserve which, by itself, was inadequate. It now provides more room for watering cattle and is a clear case where, if a proper and logical argument is put up, the Trustees of the Royal National Parks are prepared to agree. I would like to underline that because it has been often said that once an area has been proclaimed a national park you can be quite sure the Trustees will never agree to release any of it. In this case it was partly a mistake that that area was included, and it now only needs a Resolution from this Council to authorize its excision from the Park.

Turning now to the area round Lake Jipe, the hon. Member for Nairobi West claimed the privilege of speaking on a matter in which he was personally interested and I claim the same privilege, but in my case I at least am representing my constituents, however dumb they may be, whereas, in his case, he is not.

The history of the area is roughly this, that in 1943 the Game Policy Committee, to which I have referred, recommended the boundaries that should form this National Park. The hon. Member for Nairobi West was consulted at that time and he raised no objection to the boundaries proposed which marched with his boundary, or land under his control, for a distance of 26 miles. The No. 3 area which is now the subject of this dispute was held back for other reasons, such as native settlement. That claim was abandoned by about 1948, but owing to the interminable delays of getting proclamations through and getting areas added to the National Parks this was not done and the hon. Member for Nairobi West put in a claim for part of the shore of Lake Jipe. I discussed this with him at the time and on the spot and we came to an arrangement that we would have, or ask for, half of the shore, leaving the remaining half available for game. I then left this country on a journey. While I was away I understood that the hon. Member for Nairobi West expanded his claim to include all of the strip shown on the map before you, right down to the interterritorial boundary. Now, the reason given to me by the hon. Member for Nairobi

[Mr. Cowie]

West was to keep out the Masai who had been trespassing in the area from Tanganyika.

When I returned from overseas I tried to revive the arrangement of the 50/50 basis, and I wrote to the hon. Member as follows:—

"May I re-open the discussions we had over this portion of land between the Park and the lake, for if we are to preserve game in the adjoining portion of the Park, it seems more than ever necessary that the animals should have access to the water. With the plundering that has taken place to vegetation and to the few precarious waterholes I cannot in any way hope to prevent game, especially elephant, wandering across to the shore of Jipe in dry seasons. I would therefore like to ask if you would reconsider your decision to apply for this block of land and allow me to have a portion of the riparian strip simply to provide access to water."

If you remember this was at one stage the scheme which we both favoured, and now in the light of recent events, I feel it is most necessary to keep a piece of the Jipe shore in the Park."

In reply to that, Sir, the hon. Member for Nairobi West said:—

"I cannot reopen the question of this land as I have already made a road and extended my canal to the T.T. border. This you will realize has been a big undertaking, and has cost a lot of money."

The game therefore has now a watering front of several miles."

There was further discussion then, Sir, and I was asked by the Land Board to confer with the hon. Member for Nairobi West and see if we could reach any agreement. That was done, and I do confirm that the hon. Member was perfectly correct when he said there was agreement between us. I think it would be well to inform Legislative Council of the terms in which I recorded that agreement. This is a letter addressed to the Land Board, with a copy to the hon. Member for Nairobi West, which says:—

"In accordance with the arrangement made at the last meeting of the Land Board on 19th April, I have now conferred with Colonel Grogan and we have reached agreement on an arbitrary division between our respective claims, of the land lying east of Lake Jipe."

Then follows a description of the boundary:—

"In discussing the difficulty of preventing game from crossing the Park to water, Colonel Grogan recognizes that this danger will always be present, and he is prepared to accept the land under these circumstances. May I ask that it be placed on record that this corridor of land between the Park and the lake will undoubtedly suffer from game damage, since it will be impossible to stop the natural movements of wild animals to and from water."

I trust that this will now enable you to reach a decision on the allocation of the Crown Land bordering on Lake Jipe, and although it is not entirely suitable from my point of view, nor does it conform with the original recommendation of the Game Policy Committee, I feel that I must accept this compromise, since it would add to the Park a certain amount of open country of which there is otherwise very little."

The next quotation is a reply by the hon. Member for Nairobi West:—

"I am in receipt of letter 4395/2 of 25th April, 1951, written by the Director of Kenya National Parks, Mr. M. H. Cowie, to you, and have great pleasure in confirming that this is a faithful representation of the agreement reached between Mr. Cowie and myself on the matter under review."

That I think, Sir, confirms that there was that measure of agreement, though on my side I had some difficulty in accepting it. I remember that at the time of this discussion I did propose to the hon. Member that if he regarded the canal which he had by then constructed as the boundary, it would be much more workable. It would be a defined boundary and would enable access to water on the National Park side. That proposal, however, he rejected. I would draw your attention, Sir, to the fact that the hon. Member for Nairobi West with his great

[Mr. Cowie]

power of oratory is very often forceful and sometimes mesmeric and seems to lull his listeners into a sense of stupefied adoration which at a later stage becomes a state of bewilderment. Those listening find difficulty in retaining even a remnant of the original reasoning which formed the basis of the discussion. I find myself in that position because now, as far as I remember, the original claim for the extension of land was to keep out the Masai trespassers. That has now been settled and I regard it as being no danger to that area at all. The next reason advanced was because of the incidence of fly. Now I understand that a hill which is known by the stupid name of Vilima Viwili, was the focus of fly in that area. Now those hills, I believe, are included in the portion of land offered to the Jipe Estate. If the fringe of bush beyond that is the nucleus of fly, I have on several occasions offered to the hon. Member for Nairobi West, if these areas became part of the National Park, permission to clear that bush which he declined, and said that unless he could have it on a 999-year basis with full rights, he was not interested. If it is required for grazing cattle, it seems to me that that the few hundred cattle which already occupy his own land—they are rather difficult to find in such a big area—it is doubtful that they would have any better use of a portion of the land which he described himself only last Friday in the following terms:—

"When this matter was discussed so far as the Jipe area was concerned, it was a little bit of waste land that had been completely destroyed by the Masai. The estate put in for it in order to protect their flank from the fly which is on that particular bit of the area. It has no value of any kind or description in its present state, but on the other hand it is a nucleus of fly."

It makes it impossible to use areas of land that have already been cleared costing three, four or five pounds an acre, because it is impossible to graze cattle within two miles of a nucleus of fly."

As I say, Sir, I believe that the fly risk could be overcome by granting the owner of the neighbouring land permission to clear the bush. It is not strictly

in accordance with the rules of a national park, but for the sake of compromise I would be prepared to recommend it to the trustees.

So, now, Sir, it seems to me that there are a varying number of reasons why this application has been made by Jipe Estates for this extension of land. Also, that the area itself has changed in shape and size, but the consistent point which I have endeavoured to represent right from the beginning from the national park angle is that there is no other permanent water within miles and miles and miles of this place. There are a few water holes that dry up in the dry season, but there is not even enough water to establish a ranger post to control the area. The only way we can get it—which we will have to do—is to dig and pump it by mechanical means. It was therefore a very great disappointment to me that the hon. Member for Nairobi West found it necessary to say to me a few days ago that if he did not get this extension, he would make sure that his canal would discharge right down into the lake so that none of the water should be available to the National Park. It did seem to me a waste—to allow any surplus canal water, which is sweet—to go into the lake which is brackish instead of helping over this problem of providing water for administrative posts or for game to drink.

So, finally, Sir, if I may bring the discussion back to what I believe is really the point, I think it would be manifestly unfortunate if the hon. Member for Nairobi West continued his antagonism towards the National Park and its animals; because if you have a strip or a wedge of land something like 26 miles, possibly more, in length and control almost the only water in that area, you cannot expect thirsty animals not to come across for a drink, it is quite natural and not only confined to four-legged animals. I therefore, Sir, invite the Council to bring this debate back to the point before it, and that is a proposal by a Motion to obtain permission for certain areas to be added to the National Park and certain other areas to be excised. That has to be done by law because no alteration can be made under the National Parks Ordinance without the permission of the Legislature. The extension of the land of the Jipe Estate

[Mr. Cowie] is something quite apart—the decision has already been made. I am therefore in the position of having been asked if I will accept from the National Park's angle what is left over. I naturally do this because I regard it as essential for the watering of the game.

So, finally, Sir, if my rich man which I symbolized before will be prepared to sit at his table and allow a few crumbs to drop and not put out saucers of water to lure unsuspecting animals over to be shot as a result, there might be a better relationship between us because quite obviously my constituents cannot quarrel with their neighbours.

MR. COOK: Mr. Speaker, I am torn between conflicting emotions because on the one hand the hon. Member for Nairobi West is an influential constituent of mine and on the other hand I am a trustee of the National Parks. Also, I have a sentimental interest in this matter because 37 years ago as a young trooper in the South African war I helped to reconquer part of this country from the then marauding Germans. (Applause.) I think, Sir, I, therefore, have a claim to the land in question, but I do not press that claim.

Well, Sir, I unhesitatingly support this Motion, because I believe that if we accept the principles laid down by my hon. friend, the Member for Nairobi West, the whole of the national parks in this country would be in danger because we would have claims from all quarters that they were infringing on the rights of the farmers—both European and African. I have great sympathy with my hon. friend because we all respect what he has done in this country with great courage and pioneering spirit. (Hear, hear.) On the other hand if I may refer to history for a moment, the land lay idle for many years, Sir Charles Elliott was the first to recognize its value 50 years ago and then recommended it for European occupation. It was later offered to the Asians 40 years ago and they refused to accept it, so really all these large portions were lying quite idle. There was nothing wrong in any other way when the National Park Trustees stepped in and asked if they could be given the ownership of it. There is one thing I would like to mention to my hon. friend who is also the Director

of the National Parks. He said, I have been speaking to Colonel Grogan this morning. I do not think he is here now, he said that Colonel Grogan agreed or flirted with the idea of clearing a lot of the bush which would perhaps prevent the fly from encroaching. Well, it would be a very great expense for Colonel Grogan to undertake such a job. I think, my hon. friend might, later on, spare some money from the National Park Fund to do some of the clearing himself. I would certainly support that, but I promised my hon. friend Colonel Grogan that I would put that idea up. As he is not here himself now, he would probably wish me to do so. I unhesitatingly support the Motion.

MR. JEREMIAH: Mr. Speaker, the question of the national parks is one of much worry to me. I would like, Sir, to say that the land which is not African land units but which is Crown land should remain as such, because Crown land is suitable for humans and livestock as well as for wild life, whereas national parks are only reserved exclusively for the use of wild life. Now, Sir, the Crown lands, as mentioned by my hon. friend, the Member for Muslim, Dr. Hassan, almost the whole of the Crown land is in the Coast Province. What the reason for that is, Sir, I cannot say; but to me, Sir, I think it is because the people of that area are so quiet and almost as dumb as the constituents of the hon. Colonel Cowie. That is why I believe land in some cases which was in occupation was forcibly taken away from them, for national parks; people had to suffer, they had to be evicted and also be deprived of grazing spaces. When Africans leave African land units and occupy Crown land, it is because they find there is not enough land, or suitable land, in their respective land unit. For that reason, Sir, I think the natural expansion of people should be encouraged, instead of being discouraged, as is the case when land is turned into national parks.

Sir, the people who have anything to do with the national parks in the Coast Province are Africans and they are especially unhappy. They have had to suffer evictions, they have had to suffer the deprivation of grazing space. The people who have suffered most in the Coast Province are the people in the Teita district and the Ormo in Tana River.

[Mr. Jeremiah]

The Motion before us proposes to include in the list of sufferers the people of the Kwale district. Now, Sir, these measures are going to create hardship or unhappiness; I think they are not wise and should not be introduced. It is very difficult for me to understand why animals should be preferred to African interests, or human interests. Crown lands accommodate people and their livestock as well as wild animals. I would like to say that Crown land should remain as Crown land which it will be possible to use for settlement instead of national parks.

Now, turning to the question of ex-cisions, I do not believe—I cannot believe—that it is a concession at all to Africans. When the creation of Tsavo National Park was under consideration, that area was already in occupation. It was a mistake, when that area which was already in occupation was made into a national park, so this is only a correction of a mistake, and furthermore, the area concerned is so small as not to be of any useful purpose. Sir, this Motion is not, in my view, going to create any useful purpose. The national parks have very big land areas in the Coast Province which I think is more than enough for wild life. To have more than this is not necessary and is undesirable.

In conclusion, I would be grateful if the hon. Mover would tell us approximately the size of the areas concerned in the First and Second Schedules, and whether, if the Motion is passed, there are to be no persons affected by eviction or the deprivation of grazing rights.

I beg to oppose the Motion.

THE SPEAKER: It is now 11 o'clock and the Council will suspend business for 15 minutes.

Council adjourned at eleven o'clock and resumed at twenty minutes past eleven o'clock.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, the necessity for my intervention in this debate has arisen because of the remarks made on Friday by the hon. Member for Nairobi West. This was an apparently simple and harmless proposal for the disposal of a most unattractive piece of Africa and its inclusion in the National Park. But it has been turned into a per-

sonal issue and a personal land application has been brought into it. This I deplore and I feel that it is a precedent which should not be followed—to bring into the debates of this Council personal matters of this kind. If the precedent were to be followed, it would, I think, lower the dignity of this Council.

Now, Sir, it is because hon. Members are in danger of being misled and coming to conclusions without proper appreciation of the facts that I have to go into some little explanation. It is very distasteful to me to have to cross swords with so distinguished and long-established a Member of this Council on a personal matter. I am happy at any time to cross swords with him on political matters, though I do not pretend I could emulate him with a display of oratorical pyrotechnics. However, statements have been made, impressions have been created which imply a breach of faith on the part of the Government which I cannot allow to pass without an adequate explanation.

The hon. Member rightly declares his interests. For all practical purposes, he is Jipe Estates, Ltd., Taveta Sisal Estates, Ltd., Ziwani Estates, Ltd., Kilindini Harbour and Wharves, Ltd. Therefore, he has a personal interest in the matter under debate when we are discussing the addition to the National Park of the land in the neighbourhood of Lake Jipe. I have personally been concerned in the matter only since the beginning of 1952—the later stages of the differences of opinion—consequently, I had nothing whatever to do with the early period when the matters under dispute really arose. Now, Jipe Estates comprise some 35,000 acres, many miles of that land having a boundary on the eastern side marching with the National Park boundary. But that is not the only extent of the holdings by Colonel Grogan—if I may be excused from mentioning him by name as I am speaking of him in a personal capacity and not as a Member of this Council—he owns in that area some 87,000 acres with a length from north to south of some 26 miles, the eastern boundary marching with the National Park country throughout the whole of that length. Jipe Estate itself starts at the railway line with a four-mile width, tapering to a two-mile width at the southern end, half-way down Lake Jipe. The estate is carrying on cattle

[The Member for Health, Lands and Local Government] ranching and no doubt has large plans for expansion. The hon. Member is to be congratulated on the success of his achievements in agriculture in that area.

Now, he applied for additional land, as the hon. Colonel Cowie has explained, for two or three different reasons—to prevent the encroachment of Masai from Tanganyika; to prevent the encroachment of fly upon this cattle development, and he pleaded for protection. I have had placed in the hands of the hon. Members a plan which shows the progress of events. The plan is not exceptionally clear—it was prepared in a hurry, there was no time to have it coloured whereby the various portions could have been brought out more distinctly—but I think it does accurately illustrate the progress of events. It is only a sketch map, there is one small error which I have noticed to which I will call attention lest there be misunderstanding. The proposed National Park boundary runs on the western side, straight up the interterritorial boundary, not a few miles inland as shown on the plan.

Now, Sir, Colonel Grogan applied for additional land in this area. First of all he applied for 4,500 acres which is shown on the plan. That application was advertised; no rival claimants came forward; it was considered by the Coast Advisory Land Board and was recommended by that Board; it was again considered by the Central Advisory Land Board and again recommended, but before it went to the further stages, the application was amended to embrace 12,500 acres running right down to the interterritorial boundary. The whole procedure was gone through again. Once more the Coast Advisory Board recommended. Once more the Central Advisory Board recommended and it was then ready for submission to the Governor in Council. Now, Sir, I want to make it quite clear that the two Advisory Land Boards are—as their names imply—advisory; whilst the Government always listens with the greatest respect to any recommendations they make, the final decision of land alienation must rest with the Governor and the Secretary of State if the land exceeds 7,500 acres in extent. The Governor usually in these

matters consults his Executive Council, and usually he accepts the advice of that Council.

Now, Sir, this particular application for the 12,500 acres came before the Governor in Council and was rejected. Colonel Grogan was informed of that rejection, and he became very indignant. He affirmed that he had spent a very large sum of money on the development of that land on the assumption that he was going to get it. He had constructed a canal, an extension of a canal already existing throughout the whole of the Jipe Estate. He had spent money on implements for bush clearing and the like. Now Colonel Grogan knows the land laws and the land administration of this Colony better than most people who are not actively concerned in a professional capacity in administering the land laws. Colonel Grogan knows full well that until a final decision is taken by the Governor and an authoritative statement made that the land has been granted, any encroachment upon Crown land is trespass. He had no right to be there and I submit that he knew he had no right to be there, but he was pursuing a familiar technique with which I, throughout my long experience in land administration, am only too well acquainted, that of presenting the Government with a *fait accompli*: "But you cannot take this land away from me now after I have spent so much money on its development." "It was not because I want the land," as he said to me in an interview, "but because it goes to my heart to see erosion going on on such a scale on anybody's land; and therefore I took steps to protect it."

MR. BLUNDELL: Will the hon. Member give way? Mr. Speaker, I do think that in a matter of this sort the hon. Member wants to be careful about quoting interviews outside Council.

THE SPEAKER: I do not think that that is a matter which should be raised as explanation. You could put a definite question to the Member, but to rise to get the Member to give way, rise and begin to make a speech is out of order. I want to make it quite clear that there is some limit to the method of interrupting the hon. Member who happens to have the floor of the Council at the

[The Speaker] time. He has a right to go on. If he gives way it should not be for any purpose other than what I have stated, putting some direct question to him on the matter of the Motion, or asking him to explain something he has said—or something of that kind. You have not spoken in this debate, you must remember.

MR. BLUNDELL: May I raise it on a point of order?

THE SPEAKER: You did not precede your remark by saying "on a point of order".

MR. BLUNDELL: May I do so now? I would not try to embarrass the hon. Member opposite, but I do remember, Mr. Speaker, in the early days in which the hon. Member for Legal Affairs was a Member of this Council I quoted, in speaking in this Council, a conversation I had had with him in the corridor. I was quite rightly and properly brought to book. I would like to suggest, Mr. Speaker, that the hon. Member should be careful what he quotes in this Council arising out of that interview, unless the interview is recorded and signed by the respective Members.

THE SPEAKER: I think that is a matter. When any Member chooses either to quote a document or a conversation he must be prepared to lay that document on the table; if he refers to a conversation he is in grave danger of having it immediately controverted unless there is some record which he can also lay at the same time. It is very much like the rules of evidence in a court of law—you must produce the document.

MR. BLUNDELL: The hon. Member will accept that I am not trying to embarrass him, but I do feel that the hon. Member for Nairobi West is not present, and it is really for that reason I raise the matter now.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I apologize to you, Sir, and to the hon. Member if I have overstepped the bounds of propriety. I do not think that I have, in so much as the interview I am quoting from was an official interview with myself and Mr. Thornley, who had been the Member for Lands until a few weeks before, and who had been concerned with

all the transactions. The record of that interview is on the file and the statement that I have quoted is there recorded. However, I do not wish to say anything that would reflect upon the hon. Member for Nairobi West, who is regrettably absent at the moment.

THE SPEAKER: The hon. Member is prepared to lay that paper on the table of this Council. Is it not confidential or anything of that kind?

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: No, Sir, I do not think there is anything of a confidential nature in that memorandum. If the hon. Members wish, I am prepared to show it to any of them personally or to lay it on the Table, if they will ask me for that procedure to be followed.

Now, Sir, I am fully ready to admit that there has been some measure of misunderstanding in this matter. The hon. Member for Nairobi West knew full well that this application for 12,500 acres, which proved to be 12,920 acres, had been supported by two Advisory Land Boards, had been supported by the Commissioner for Land, had been acquiesced in, although very reluctantly, by the Director of the National Parks; it only awaited approval of the Governor in Council and the Secretary of State. He was fully aware of that, and when he was informed of that in an interview he wrote an expression of thanks afterwards and said: "This will enable me to carry on with my plans." Well, what that meant is not precisely clear, but after that date on the 16th of May, 1951, the company through its secretary, wrote to the Government and asked for permission to occupy the land. The Land Department replied: "I am unable to authorize occupation of the land before the consent of the Governor has been obtained." It must be quite clear that any occupation of the land, the construction of the canal which it is affirmed has been constructed right down to the Tanganyika border, was entirely unauthorized and could not be recognized. When the hon. Member was informed that the decision of the Government was adverse he returned to the attack, and at a later stage he was offered a temporary occupation licence over the whole area, for which he had applied—12,500 acres, which could be continued without interruption for ten years or for the remainder of his life. That he refused to

[The Member for Health, Lands and Local Government]

accept. He came up again and there was still further discussion. He claimed that his chief concern was protection from fly at this stage (previously it had been the Masai) and the chief cause of trouble arose from two hills just outside his boundary, called Villima Viwili, and he wanted those to be included within his boundaries, so that he could exercise fly control. A compromise was proposed. Reasonable safeguards against fly were provided and he was offered a piece of land which is illustrated on the plan before hon. Members, about a mile on the eastern side and about a mile and a half on the southern side in an L shape, which it was contended would give him adequate protection—about 4,500 acres.

The southern portion of the lake was left open for animals under that proposal. That went to the Governor in Council after a lot of discussion and was approved and was submitted to Colonel Grogan for his acceptance. He accepted that offer. He did it under protest. But he was informed—I was deputed to inform him—that that was the last territorial demand in that area that would be considered, and it was either acceptance of that or nothing. He accepted it under protest but his company accepted it without any protest and without any qualification on the 13th of December, 1952.

Now, Sir, the hon. Member in the course of his speech said that he and the Director of the National Parks had come to an agreement on a sub-division, and that should have been the end of the matter. I must make it very plain indeed and emphatically state that the disposal of Crown land is decided by the Governor with the advice of the Executive Council. If His Excellency decides to seek it, and by the Secretary of State if that is required under the law. The trustees and directors of the national parks are invited to give advice, and their advice is listened to with the greatest respect, but any agreement that they may come to is not final and binding on the Government. Now, Sir, I am convinced, and the more I study this question the more firmly I am convinced, that the crux of the matter is not fly, is not encroachment of animals, because Colonel Grogan agreed that if the agreement that he had reached with the Director of the National Parks were

approved he had no objection whatsoever to elephant and other animals crossing the land to get to water. I am, as I have said, convinced that neither fly nor encroachments of animals is the real crux of the matter, but it is water; a matter that has not been mentioned by the hon. Member in the course of the Debate, and the real meaning behind it all is to get control of the whole of the water in the Lake Jipe. The hon. Member in his private capacity with his various companies has done very well in the matter of water in that area—very well indeed. He has, by one means and another, obtained control of practically all of the water supply in that district and it was to obtain the remaining water supply at the southern end of Lake Jipe that this application was put forward.

Now, Sir, the Government will not, and cannot, agree to the inclusion in private ownership of the whole of the water supply in that area. We must preserve for our great national asset, our national parks, and the inhabitants thereof, a right to get to water. Because of that I am supporting the present Motion before the Council and I ask all hon. Members to do the same.

THE SPEAKER: No other Member wishing to speak—

MR. TAMENO: Mr. Speaker, I am generally opposed to the principle of national parks, in that it is usually forgotten that in cases where you have got national parks adjacent to where there are any cattle, it is a great danger so far as tsetse fly are concerned. I would, however, Sir, support the excision of some parts of the national parks because in the case of Maktau—I have visited the area, the area is rather overstocked and if people in that area have found a lot of difficulty in getting enough grazing for their cattle, I should have suggested that the increase in the excision of that Maktau area should have been increased much more than what it is now.

During the course of the explanations made by the hon. Member for Agriculture and Natural Resources, as well as the Director of the National Parks, it appeared as if the necessity for additional areas for the national parks have only been explained as far as Lake Jipe is concerned. I suppose that is because the hon. Member for Nairobi West mentioned, or opposed, this in particular.

[Mr. Tameno]

Although the Council, or some Members, may say it is a matter of his own personal interest, I believe there is a principle behind it which, even if he had no interest himself there, he had a right to bring forward in this Council.

We have not been told, Sir, why it is necessary to increase the Tsavo area as well as the area near to the Kwale district. I would like to know, Sir, whether the additions of these areas have been due to the increase of the population of wild life in the Tsavo national reserve to warrant an increase of such an area, or because perhaps the area is better for the animals than the other areas which they had.

I am prepared to support the inclusion of the Jipe section, but I am not prepared to support the other two areas. If it is a case that wild life has increased, that these areas have got to be added to the national parks, I suggest also, Sir, that livestock population is also increasing, and it is just as well for this Council to remember that whatever we are going to gain in this Colony from having large areas of the Colony reserved for wild life we are also going to gain a lot through encouraging the Africans to have enough land for grazing their animals and I feel, Sir, cutting it short, that two areas should not be added to the national parks, and that is the Tsavo area as well as the area in Kwale district.

It has been mentioned several times that one of the reasons why Jipe Sisal Estate, or the owners of that estate, are objecting, or trying to gain that land which is supposed to be for the national Parks, was because of trespassing of the Masai. It has got to be remembered, Sir, that that area was at one time occupied by the Masai and it ended in the Masai being pushed to both sides of the boundary. Some had to go to Tanganyika, others had to come to the present Masal reserve, in fact they have always intermingled with the Taveta. They have a right to the use of these areas and it should be on the part of Government now, not to think so much about wild life which, I think, we have quite enough of, but to think more of the improvement of the land which should be used, quite rightly, by the Africans.

Sir, I beg to oppose.

LT.-COL. GHERSIN: I have listened very carefully to this debate and it would appear there has been some misunderstanding. The hon. Mr. Cowie pointed out that agreement had been reached at one stage and the hon. Member for Local Government suggested there was probably a misunderstanding. It may be, Sir, that there has been an inordinate delay between the time the agreement was reached and the decision was given by Executive Council that the land should not be disposed of, and if there has been misunderstanding, surely the correct solution would be to reimburse the hon. Member for Nairobi West for the amount expended on clearing bush and the extension of the canal outside his own holding.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, may I intervene off a point of order, the hon. Member has just sat down.

THE SPEAKER: Possibly the hon. Mover in his reply afterwards will deal with the matter. No other Member wishing to speak, I will ask the hon. Mover to reply.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I think really I should apologize to the Council for bringing in what I thought was merely a formal Motion, in the middle of a time of emergency, which has, in fact, kept this Council busy for practically the whole of one day's business.

I must express, as a personal feeling, my regret that a matter of personal interest should have been raised in this Council. (Hear, hear.) I feel that in such matters there are ample opportunities of ensuring that justice is done to persons outside the precincts of the Legislative Council. I think we should try and confine ourselves in this Council to principles.

Now, Sir, what are the principles in this particular Motion? Now, I would first of all deal shortly, because it has been already dealt with fairly fully, with the claims made by my hon. friend, the Member for Nairobi West. For various reasons he was anxious to obtain, added on to the southern part, not only of that area of which hon. Members have received a plan, but of a very large piece

[The Member for Agriculture and Natural Resources] of land some 26 miles in length, an additional of 12,000 acres which would give him complete control over the whole of the Kenya side of Lake Jipe.

Now, Sir, on the other side, on the eastern side, is the National Park, an area which has already been approved by this Council and of which, I submit, a large proportion is already an asset of immense value to this country in that it has produced a very large number of visitors and provoked a very great interest, but this southern end of the area already approved by this Council had no water—permanent water—and it does seem that the best use that could be made of the very bottom end of Lake Jipe would be to allow the Park to have access to it, not only for water, but for giving bird lovers access to a lot of quite interesting birds—from the point of view of the ornithologists and visitors.

Now, Sir, what have we deprived the hon. Member of? Nothing to which he was entitled. He already has very nearly, I believe, 90,000 acres in that area. He already has, as far as water supplies are concerned, the whole of the Saiate Springs and River which used to form part of the head waters of the Tsavo River, he has already the Lumi River, of which he has practically taken the whole flow under his control in one way or another, he has the Njoro Kabwe Springs, the Homer Springs. I am not saying whether it is right or wrong that he should have control of all of them, but I do say it would be entirely wrong for us to give him everything in that area, because I do not believe it would be for the public good. That, Sir, is all I have to say as regards the hon. Member's claim.

Now, Sir, other hon. Members have criticized these other additions to the park. Let me say that originally the area which was recommended to be made into the Tsavo National Park was very much larger than the one which was in fact proclaimed, because we cut very large pieces of the original recommendations as a result of claims, representations by district officers, and partly as a result of a fight over this area which I and the late Chief Native Commissioner undertook. But there were some portions to which we were not quite sure

whether there were any possible, justifiable native claims, and we considered these over a long period of time. As the Director of National Parks has explained, these investigations covered a period of something like five years.

Now, Sir, I can give this Council an assurance that, despite what hon. Members have said, we have taken the greatest possible trouble to ensure that all land to which there are native aspirations or claims, or which, in the opinion of the Administration, could be made use of for Africans in future, has been left out of the national parks. The only areas we have included in the National Park are areas where, with the exception of a few huts at the southern end of Lake Jipe, there are no native inhabitants, and of which in our opinion, better use could be made, to the economy of the country as a whole, by including them in a national park.

One hon. Member has said: "Have these additions been added on to the existing park merely because wild life has increased?" Of course, the real reason for them is that we consider, in the case of Tsavo, that it is absolutely essential, if we are going to preserve the national park amenities, to give a part of the southern bank of the Tsavo River, at any rate, protection. The rest of the additions are mostly in order to provide the hinterland which is necessary for the preservation of the wild life in the park.

In short, Sir, after very long investigation, Government is quite convinced that in the recommendation which it is putting forward to Council this morning, it has taken due account of every possible claim and is trying in that rather remote part of Africa to make the best use of the land available for the benefit of the country as a whole.

Sir, I beg to move. (Applause.)

The question was put and carried.

BILLS

SECOND READING

The Crown Lands (Amendment) Bill

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move that the Crown Lands (Amendment) Bill be read a Second Time.

The main purpose of this Bill is to carry out the recommendations of a committee whose appointment was decided

[The Member for Health, Lands and Local Government] upon by this Council in session in June, 1950. The committee submitted a unanimous report in October, 1950, and the report was laid on the Table of Council shortly afterwards and no comment ensued.

The object of the committee was to examine the provisions for compensation for the use of land and property for road and railway purposes as defined in the two Crown Lands Ordinances of 1902 and 1915. The Local Government Districts Councils Ordinance and the Native Lands Trust Ordinance were also to be examined and reported upon.

Now, Sir, the main concern of the committee was to consider the compulsory powers for the acquisition of land or entry upon land for road and railway purposes, requisitioning of basic materials, camping by public servants or contractors and the necessity or otherwise of reconditioning land from which public highways and railways had been removed.

The committee was enjoined to consider the whole situation and to make recommendations for the amendment of the Ordinances wherever it appeared that the conditions were onerous or inequitable in the light of present-day conditions.

Now, Sir, there are important differences between the two Crown Lands Ordinances in relation to this matter. The 1902 Crown Lands Ordinance, in dealing with the use of alienated land for roads and railways provides that the Government may enter and construct roads and railways without any restriction as to the amount of land that can be taken free of compensation. Compensation is provided for if the land from which the road or railway is taken is under 100 acres, but no compensation is to be payable if the land is over 100 acres. Provision is made for compensation for buildings destroyed or damaged but no compensation for crops destroyed or damaged. No provision is made for rent reduction where land is taken for this public purpose.

Under the 1915 Crown Lands Ordinance there is a distinction in that the Government may enter and resume the land for roads and railways. Under the

other Ordinance it will have been noted that the power is given to enter and construct without any transfer of the ownership of the land. Here, under the 1915 Ordinance, the power is given to enter and resume the land. In addition to roads and railways outspans are added to the public purposes for which land may be resumed. Provision is made under that Ordinance for a reduction of rent *pro rata* to the areas so resumed. Compensation is to be payable if the land from which the road or railway is excised is 200 acres or under, as against 100 acres under the other Ordinance, but if the land is over 200 acres up to 4 per cent may be taken free of compensation, but compensation is payable if the area is in excess of that amount. There is, however, one provision that may cause hardship—section 42 of the Crown Lands Ordinance provides that the 4 per cent shall be assessed not upon the area as it now exists in the title, but as it did exist in the original title of that particular piece of land. Compensation is also payable for buildings and for crops, but not for cultivation in preparation for crops.

Turning now to other aspects—the taking of basic materials from alienated land for the purpose of making roads and railways. Under the 1902 Ordinance such materials may be taken entirely free of compensation unless they are taken from cultivated land. Under the 1915 Ordinance they may be taken free but subject to rules to be made by the Governor in Council providing for compensation in certain circumstances. Under the 1915 Ordinance provision is made which covers both Ordinances for any lessee or owner of land under either of the Ordinances to remove and use certain specified common minerals, which include common minerals such as stone and murram, which are customarily used for road construction and maintenance. This phrase "remove and use" has been interpreted by the Government's legal advisers continuously for many years as giving the right to remove and sell. Consequently, the owner of such land has in these minerals a marketable asset of which he can dispose at his own free will. But the Crown has, by virtue of the same Ordinance, an unequivocal right to all the minerals, and so there may arise conflict of interests between the land

[The Member for Health, Lands and Local Government]

owner or occupier and the Crown in certain cases. When the Committee got to work many objections were received to the existing law and to its operation, although, in fact, the law had been liberally interpreted both by the Public Works Department and the Railway Administration. I will refrain from going into a lot of detail. Suffice it to say that the Committee made a recommendation, after giving very full consideration to the whole subject, that the existing law under both Ordinances did in the present circumstances entail some hardship to landholders. It may, of course, be said that landholders acquire land under certain very specific conditions which are laid down in law and that a wise purchaser of land should take that into account when making his bargain and should abide by the consequences of his own actions and stand by the law under which he purchased the land. The Committee considered however, that whilst the law, as it stands, was quite reasonable 35 or 50 years ago, when land holdings were very large and demands upon land for public purposes were very small. That is not so to-day. Times have changed, holdings are smaller, land is much more highly developed, higher values obtain and the demand for road making and maintaining materials is very much heavier than it used to be. The Committee therefore recommended that the law should be amended both for the original entry for construction and for the powers giving the right to take basic materials both for construction and maintenance.

A second major point made by the Committee was that in fairness to all landholders and for the convenience of Government administrative and executive authorities, all land in the settled areas under whichever Ordinance it should be held should be brought under the same conditions, and the Committee made recommendations to that effect.

I will briefly pass now to the precise recommendation made by the Committee as embodied in the Bill now before the Council.

First of all, Sir, the Committee held the view that the 4 per cent rule was not inequitable, provided that certain modifications were applied. They recom-

mended that instead of the limitation of a hundred acres with compensation, under the 1902 Ordinance, and 200 acres under the 1915 Ordinance, the limitation should be raised to 400 acres and the law should be amended to provide that where the land holding is 400 acres or less, compensation shall be paid for all land taken for road and railway and outspan purposes. If the land is 400 acres to a 1,000 acres, it was recommended that the limit should be 2 per cent with compensation, and anything above 2 per cent should be free of compensation. If the land is over 1,000 acres then the 4 per cent rule as existing should apply, and that anything in excess of 4 per cent should be free of compensation.

The Committee also recommended that section 42 and the proviso to section 103 should be repealed. These are the sections which prescribe that the original area of the land before any subdivision had taken place should be the criterion on which the 4 per cent is assessed. It may be that the portion of the land entered upon is only 100 acres, but if the original areas were 2,000 acres, almost all of the 100 acres may be taken for road, railway or outspan without compensation under the existing law. The Committee recommended that in present circumstances as subdivision has taken place almost throughout the country, that section should be repealed and provision made that the existing title should be the criterion of the acreage when Government enters upon the land, and that the 2 per cent or 4 per cent should be assessed on the areas now held under the title of the land that is being entered upon. That is provided for in clauses Nos. 19 and 20 of the Crown Lands Amendment Bill now before the Council. It also recommended that compensation should be payable for damage done by severance, and also for damage to trees, bushes or shrubs, and for damage to cultivation where crops have not actually been produced; that is provided for in clause 22. In clause 22 also another recommendation of the Committee is put into effect that the Road or Railway Authority entering upon the land, if the land is already fenced, shall fence both sides of the road or railway reserve that they are taking. If the land is not already fenced but is fenced subsequently, then the landowner may call upon the

[The Member for Health, Lands and Local Government]

authority concerned to pay one-half of the cost of construction of a fence protecting the road or railway.

Another important recommendation of the Committee which is being carried out in the Bill before us is that the landowners, under both of the Ordinances, 1902 or 1915, should have one set of rules and regulations applied to them and that the law should cover both, and this is being carried out in clause 28 of the Bill. Now, Sir, all the conditions on these matters of the 1915 Ordinance are more generous to the landowner or occupier than those of the 1902 Ordinance, with one possible exception—the Crown's right to enter and resume, under the 1915 Ordinance, whereas the Crown has the right only to enter and construct under the 1902 Ordinance. That means that under the 1915 Ordinance, when the Crown wishes to construct a road or railway, it has to resume the land and take actual possession of it by registration against the title to the land. This in effect relieves the Crown of any responsibility for rehabilitation of the land if it is subsequently abandoned for the public purpose for which it was taken and is offered back to the original landowner. In my view there is no great hardship to anybody in making the provision to resume the land applicable to all landowners. Practically all the leasehold agricultural land in the country, the leasehold agricultural land is either at present held under the Crown Lands Ordinance of 1915 or will shortly be so, as there are many approved applications, approved applications, on record for that conversion which have not yet taken effect. Therefore, practically speaking, the only land with which we are concerned, which will still remain under the 1902 Crown Lands Ordinance, is about half a million acres of freehold land. It may be that some landowners will feel they have been unjustly treated by being forced to accept the even more generous conditions of the 1915 Ordinance in this matter, so in the Bill before us we have allowed such owners to contract out of the new conditions if they wish to do so, providing they apply for this permission within 12 months.

Turning now, Sir, to the taking of materials for construction and maintenance of roads and railways. I have pointed out that under the 1915 Ordinance, rules may be promulgated by the Governor in Council, allowing for compensation in certain cases. In fact, however, no such rules have ever been framed or enacted. The Railway Administration and the Public Works Department, have, however, always acted with remarkable generosity to landlords and many *ex gratia* payments have been made to people who have alleged that they have suffered hardships.

In the absence of rules, different principles have been applied by the authorities from time to time. It is very desirable that rules should be promulgated, laying down one set of principles that should govern this kind of entry and acquisition for public purposes. Uniformity is desirable in the matter. There are occasions "where the Crown's right to all minerals" does seem to come in conflict with the private owner's right given to him by his land title to remove and use certain minerals which are specified in the Second Schedule to the Ordinance. Now, the Crown's rights must prevail over a private right, but we must take care that no undue hardship to the individual is incurred thereby. Take, for example, a private landowner who in all good faith has opened up a quarry on his land and used a good deal of material for his own purposes on the farm and house, and sold stone from the quarry for use by his neighbour or by other people. It is manifestly unfair for the Railway Administration or the Public Works Department to sit back until the owner has opened up the quarry, removed all the overburden and then step in and say "Thank you very much, we now claim, under the lands law, that this is ours; we are going to take possession and use it". The law would allow that, but common equity would say "No", and we have provided in the Bill for the compensation for any cost incurred by the landowner in the development of these common minerals on his own estate. In clause 21 of the Bill, provision is made for compensation in certain cases which are not at present covered by the law, and the Committee recommended that compensation should be payable for camping

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sies, and for roads of access, for material required for road and railway maintenance—that provision will best be made by the rules which will be promulgated under the Ordinance. The Committee did make recommendations as to the kind of rules which they thought should be put into effect. The Committee came to the conclusion, and the hon. Attorney General has agreed, that our rule-making powers under the existing laws were not wide enough to cover all that we require to do, so the rule-making powers in clause 27 have been enlarged to cover what we wanted to do. In clause 21 provision is made to correct a grievance that many landowners expressed; that the Public Works Department and the Railway were in a habit of entering on their land without even informing them that they were going to do so, and certainly without asking consent. We now provide that except in cases of emergency, one month's notice of entry shall be given to landowners.

I will refer now briefly to another recommendation of the Committee referring to the outspan servitude which exists on all alienated land, whether it is held under the 1902 or 1917 Ordinance. Under the present law any traveller—bona fide traveller, with servants, animals and baggage—may encamp on any alienated land for a period not exceeding 48 hours and may have access to any river, stream or lake on the land. Now, Sir, that provision was of real value when it was enacted, but under modern conditions it has ceased to have any significance or value to bona fide travellers, and it does contain elements of real danger to the reasonable interests of the landowner and land-occupiers if it is abused. The Committee therefore recommended the repeal of that section, and that repeal is carried out in clause 26 of the Bill.

At the beginning of my speech I referred to the terms of reference of the Committee, which included the Native Lands Trust Ordinance, and the District Councils Ordinance. In order to remove any doubt from the minds of the hon. Members, I would say that the unanimous recommendations of the Committee about the Native Lands Trust Ordinance are being carried into effect.

There is a Bill on the stocks dealing with that and other matters that will come before Council in the not too distant future, I hope. As far as the District Councils Ordinance was concerned, the Committee came to the conclusion that the present law was adequate, provided that the District Councils will agree to adopt and carry out the rules which the Governor will, I expect, promulgate when this Bill has been passed.

There are a few other clauses in the Bill which deal mostly with routine matters. A good many of them are concerned with the separation from the Land Department of the Survey Department, making separate provisions for the requirements of the Survey Department. Most of the others are simply drafting amendments and carrying out a tidying up process in the law, to meet present day conditions. I will mention just a few. Clauses 8 and 10 deal with the provision of the existing 1915 Ordinance where, if any owner of land, township or agricultural, wishes to subdivide his land he is required to surrender his existing title and take a new title for each of the portions. That is an unnecessary burden and adds considerably to the cost of dealing with land. The Committee recommended its revocation and we are in fact carrying that out. Also to remove all doubt, the Governor has been given power to impose conditions when subdivisions are approved of. In clause 16 reference is made to the existing law which requires that a rent shall be paid when land is set apart as part of the native reserve or temporary native reserve. There are circumstances when it is quite unjust. For example, if there is an exchange of land, that rent should be demanded; so under clause 16 the rent is made an optional matter. Under clause 17, power is taken which was omitted from the original Ordinance to carry out the Carter Commission recommendation.

THE SPEAKER: It is now half past twelve and time to interrupt business.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I will only be one minute, Sir—

THE SPEAKER: With the consent of the Council, you may.

MR. BLUNDILL: I will start counting the seconds.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Under the existing law, there is no power to amend the Highland boundary when exchanges take place or when small amendments take place with the full consent of the Highland Board and of this Council. But we cannot put that into effect because the law does not allow alterations to the Highland boundary. Now, we are taking steps to make such adjustments in the boundary legally possible. In clause 18, a longer period of grace is allowed for the payment of Crown lands rent. In clause 30 a corrected description of the Isiolo Native Leasehold area which was omitted from the 1948 amendment is carried into effect.

That, I think, concludes the important matters in the Bill. If hon. Members have a thirst for information on any other points, I will be happy to supply it.

Question proposed.

ADJOURNMENT MOTION

KIKUYU SETTLEMENT AND EMPLOYMENT

MR. COOKE: Mr. Speaker: I had proposed, Sir, to bring a Motion on the matter which I am about to mention, but if I may say so, under your wise guidance and with your consent, I am raising it now on the adjournment. The matter arises out of the answer to a question given by my hon. friend, the Member for Agriculture and Natural Resources, asked by the hon. Mr. Mathu, and if my hon. friend, the Member, had not arrived in this Council obviously in a fractious and tendentious mood, the whole matter might have been cleared up then, but my hon. friend started swinging blows around and none of us seemed to escape his swinging blows. I am sure that if you, Sir, had not stepped into the ring, it is quite likely that my hon. friend would have received, metaphorically, a straight left and would have been on his manly back during the proceedings, but in the course of his swings he accused me of knowing perfectly well what his intentions were, and indeed it seemed I must be a distinctly disingenuous and stupid person wasting the time of the Council. He used this rather offensive expression about myself. It is because I do not know, and I give my hon. friend the assurance that I do not know, in spite of what he says, what

he means in this distribution of Kikuyus into other areas from the natives' own areas, his proposals with regard to their settlement, to their employment, it was for that reason, Sir, that I have brought this matter up on adjournment.

The whole country is very anxious to know what are the proposals of the hon. Member. We especially want to know what his proposals are with regard to settlement and employment in the Kwale or Shimba Hills area, and also my hon. friend, the Member for Nyanza, wants to know what are his proposals with regard to the Trans Mara areas—a very important part of this country. We do not know and I do not know whether the hon. Member has some idea of a scheme on the Makueni basis, in which families are offered certain areas of land and are encouraged by Government to indulge in good husbandry, or whether he intends to offer land to these isolated families and let them carry on to the best of their ability, or whether, Sir, he proposes to employ these Kikuyus in work which will be perhaps of benefit to the community at large.

I have only got a few minutes, and therefore I will not waste any time on making this request, but I merely ask my hon. friend to give me, in the ten minutes or so that remain, an analysis of what his proposals are so that the anxiety which exists among my constituents, and the country as a whole, may be allayed.

THE SPEAKER: We can go on till one o'clock.

MR. COOKE: I would not like to commend the Council to that, Sir.

THE SPEAKER: Who seconds the Motion?

THE CHIEF SECRETARY seconded.

Question proposed.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I understand that what the hon. Member wishes to extract from me is a detailed statement of the policy of Government as to what employment, what settlement is going to be afforded to the members of the Kikuyu tribe, presumably mostly those who have now been displaced from

[The Member for Agriculture and Natural Resources] in the Highlands. He accuses me of being unreasonable the other day—last Friday—a charge which I am afraid I cannot subscribe to.

Now, Sir, it is not for me as Member for Agriculture and Natural Resources necessarily to make such a statement which is a statement on behalf of the Government. The statement which my hon. friend seeks to obtain is one dealing with a very complex situation and a problem of very considerable magnitude, and I am not to-day prepared on behalf of the Government to make such an all-embracing statement as I think such a statement made to-day would be premature and the occasion is inopportune. I will, however, say this, that there is no intention—I repeat because I have said it already during this session—there is no intention of providing a settlement on Makeni lines for these displaced Kikuyus. Such a question was asked and I replied to it fairly fully only a day or two ago. The only possible avenue of permanent settlement for any Kikuyu would be in the very exceptional case of a person whose life was endangered due to his activities—anti *Mau Mau* activities—on behalf of the Government if he went back to his own land unit, and in such exceptional cases, Government is prepared to consider making an offer of land for permanent occupation. Such a person would have to conform to good land usage—in the Shimba Hills area where an area is available not for Kikuyus only but primarily for Wateita and, in addition, for persons of any tribe in the country. As the hon. Member—I still think must have an inkling, we have devised one or two schemes for the useful employment—employment I repeat—of Kikuyus and their families on rehabilitation and on other works which we consider are for the good of the country as a whole. But those are not the only problems which arise in dealing with this subject. The whole question of re-employment of Kikuyu labourers and employees or displaced Kikuyus who are now back in their reserves is likely to arise in a very acute form in the not so distant future. We are convinced as a Government, that any such re-emerging into employment by these people will have to be done under the strictest possible control

and we are at the moment engaged in conversation with all those interested in drawing up a detailed plan for that eventually when the time comes. When we have these plans prepared in detail and we consider the time opportune, a statement will be made in great detail on the whole subject of the re-employment of displaced Kikuyus. But until that time comes, Sir, I am afraid I cannot add anything useful to the information I have given the Council at the present moment. (Applause.)

MR. MATHU: I would like to urge the Government that they should make that statement referred to by my hon. friend quickly. (Hear, hear.) Now, my hon. friend says that the plans are under preparation and I appreciate that they would take some time to get ready. He also says that the time is not opportune. That word is worrying me because this is a matter of tremendous urgency because the longer the Kikuyus, who are displaced, stay, not knowing about this future if they wish to take up employment, the worse the situation in the Kikuyu districts will be. I, without saying very much more, wish to request the Government that this matter should be made public quickly and that further delay will only aggravate the troubles through which we are going at the moment. The matter is urgent and I ask the Government to be quick and not delay any further in publicizing their intention and their plans in regard to this matter.

MR. BLUNDELL: This is a matter on which Members of our group have very strong views. We would welcome a statement from the hon. Member opposite, but we would be prepared to wait I think it would be wise not at any rate to produce that to-day. It is obvious that in the Kikuyu land unit we are entering on a phase which one might almost call active war. I think it would be difficult—I do not think anyone can entirely foresee what is likely to be the result of that greater activity until we see what comes out of it, and we should see that in a very short time. I believe it is unwise to commit ourselves to a policy of re-employment and re-absorption of the Kikuyus at this stage. Nevertheless, it is a matter in which we are vitally interested.

I wish to make two points. I do not believe that we should be unduly forced

[Mr. Blundell] into unwise decisions by the remarks which the hon. Member for African Interests, Mr. Mathu, has put forward. After all, in effect, had it not been for the action of a number of rebels in the Kikuyu country, there would be no State of Emergency, and, therefore, no great pressure on us. Secondly, I would speak for every member in our group, that we would not accept in any circumstances that the action of the rebels should in any way prejudice the rights of other persons anywhere in this country. (Hear, hear.) It is precisely for those reasons that we believe that a statement by Government would be welcomed, that a statement must be produced at the moment when we can see more or less clearly what is likely to be the eventual turn of events arising out of the very turbulent troubles now taking place in the Kikuyu country itself.

THE SPEAKER: The Council will now stand adjourned until 9.30 a.m. to-morrow morning.

ADJOURNMENT

The Council adjourned at forty-five minutes past Twelve o'clock.

Wednesday, 13th May, 1953.

The Council met at forty minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS PAPERS LAID

The following papers were laid on the Table—

Supplementary Estimates of Expenditure (No. 4 of 1953).

Sessional Paper of 1953 on the Abolition of Development and Reconstruction Authority.

(BY THE MEMBER FOR FINANCE AND DEVELOPMENT)

THE MEMBER FOR FINANCE AND DEVELOPMENT: With your permission, Sir, I would like to say that Government does not propose to move a Motion for the adoption of this Paper, because it merely sets out a decision that has been made. If, however, hon. Members on the other side of the Council wish to have a debate on this Paper, then the Government will be ready and willing to move a Motion in order to give an opportunity for that debate.

BILLS

SECOND READING

The Crown Lands (Amendment) Bill

Debate resumed.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, with your permission I would like to make a personal explanation on some comments I made in my speech yesterday on the Second Reading of the Crown Lands (Amendment) Bill. It has been brought to my attention that I made a stupid mistake in speaking about the compensation provisions for entry on Crown land. I find, on looking at the HANSARD typescript, that that assumption is correct and that I did reverse the facts and I spoke of certain circumstances in which compensation was payable when, in fact, it was not, and other circumstances in which it was not payable when, in fact, it is. I would like to place on record the correct position in order that the HANSARD report may properly represent the facts. The position, Sir, is that if a

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piece of land—under the new proposals—is 400 acres or less, any land taken for roads, railways, canals and outspans has to be the subject of full compensation. If, however, the land is 400 acres to a 1,000 in extent, 2 per cent may be taken free of compensation and anything in excess must be the subject of compensation. If the land is over a 1,000 acres, up to 4 per cent, as under the present law, may be taken free of compensation and anything in excess must be the subject of full compensation.

Question proposed.

Mr. HAVELOCK: Mr. Speaker, the provisions of this Bill, as the hon. Mover has said, arise out of the Committee which sat some considerable time ago, of which I had the honour to be a member; in fact, I think it was about two years or eighteen months since we made our recommendations.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Two and a half years.

Mr. HAVELOCK: Two and a half, yes, I am corrected. One must realize the difficulties that Government has been in, on the other hand, a number of people have been waiting for this Bill, or something like it, to be brought before this Council, because they have been affected individually by railways and roads being constructed over their land and I would like the hon. Mover to tell me of certain individual cases, of which he knows, which occurred with the realignment of the railway round Kikuyu and Muguga. Will they—the landowners—of that area get compensation based on these new provisions or have they already accepted *ad hoc* compensation.

This Bill is, of course, a compromise, as I see it, between the rights of individuals and the rights of the State, and on the whole, I think it is as fair as we can expect, although on the Committee, I must admit, I fought very much more for the rights of the individual than has been actually accepted. However, the compromise is acceptable, and one, of course, must realize that if all land that is taken for railways and roads had to be fully compensated for, the taxpayer would have to dig his hand much deeper

in his pocket for finding the money for the particular road or railways to be constructed. In that connexion I would like the hon. Member for Finance, or his representative, just to note that there is no doubt at all when these provisions are accepted by this Council that roads will cost more to construct than they do at the moment.

I have only two more requests to make, Sir. One is that I think, Sir, that the hon. Members on this side are a little worried about clause 17, as certain Members are always worried whenever the word "Highland Board" is mentioned, and I think it is a very good thing if the hon. Mover could go into a little more detail to explain the reasons for clause 17.

Apart from that, Sir, I would also ask if Government could see that proper publicity is given to the provisions of this Bill should it be passed by this Council so that all landowners know exactly where they stand, because I know that there is a considerable amount of confusion in the minds of the landowners at the moment, especially due to the different types of leases which are, under the different kinds of Ordinances, in force. I would suggest that the *K.I.O. Fortnightly* might be a medium through which publicity could be given to these provisions.

Mr. Speaker, I beg to support.

Mr. MATHU: Mr. Speaker, in support of this Motion of the Second Reading of the Crown Lands (Amendment) Bill, I should like to refer to the remarks made by the hon. Mover with regard to the recommendations for the amendment of the various Ordinances, including the Native Lands Trust Ordinance, 1938. In referring to the Committee's recommendation for the Native Lands Trust Ordinance, my hon. friend said—I think dubiously—that he hoped this amendment would go before the Council some time and I want—I rise to get from my hon. friend some definite statement—not some doubtful "something"—that will come. The recommendations of the Committee were not that they should be implemented piecemeal. The report was a unanimous report and it was, I know, the intention of the Committee that the recommendations should be acted upon together, and now my hon. friend has

[Mr. Mathu]
brought up a Bill which only deals with a third of the matter—that is, that third which refers to the Crown Lands Ordinance, 1902 and 1950, leaving out the District Councils Ordinance, 1928, and the Native Lands Trust Ordinance. The particular Ordinance I am interested in is the Native Lands Trust Ordinance, 1938, because the recommendations which affect the private landowners under the Crown Lands Ordinance affect, in some cases very materially, the African land unit and the African occupier, the roads and railways, camping and so on and particularly the subject regarding the compensation.

I have got the report here, Sir, but I do not want to refer to it, but I do want the hon. Member to assure this Council that they are going to introduce a Bill definitely and very soon, to implement the recommendations of this Committee.

Mr. Speaker, I beg to support.

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

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I welcome the reception which this measure has been accorded and I will now deal with the few points that have been raised in the debate. First of all, the hon. Member for Kiambu asked about certain individuals whose claims were, at the time the Committee was meeting, outstanding. I think I am right in saying that the particular cases he mentioned were railway matters and that the Railway Administration were, in fact, dealing with them. I have not been in touch with the particular cases. They have not been brought to my notice since I returned to office about 18 months ago, but I will undertake to inquire what has happened to those individual cases.

There were two cases, I remember, of up-country farmers who had been affected by the entry for road purposes and they were told that they could either accept the *ad hoc* compensation arrangements that had been agreed on, or they could await the enactment of this measure and benefit by any provisions that would help them. There again, what they, in fact, did is not at present in my know-

ledge, but I will look into it and let the hon. Member know personally afterwards what has happened. The Committee did make the recommendation to the Government and it was accepted by the Government that any cases that might arise between the date of the report of the Committee and the enactment of the legislation should be dealt with under the provisions of the legislation in anticipation of its being approved by this Council. But I am not aware of any individual case that has come forward under those provisions.

The hon. Member has given a warning that undoubtedly roads and railways will cost more on the acceptance of this new principle, but I submit, Sir, that the increased cost is only a very small part of the total cost when road construction on a big scale is being undertaken.

Clause 17 refers to amendments of the Highlands' boundaries in certain circumstances. Well, Sir, the object of that is to enable agreements reached between the Highlands Board and the Native Lands Trust Board and everybody concerned about exchanges of land or about small excisions of this or that to be carried into legal effect. There is provision on the Native Lands side to carry out exchanges by alteration of the boundaries of the native land, but unfortunately when the law was being drafted, no similar provision was made in the Crown Lands Ordinance. Consequently quite a number of exchanges that have in fact been approved by everybody concerned, cannot be carried into legal effect because of the lack of this provision. The clause now included in the Bill will remedy the situation and enable legal effect to be given to approved exchanges and other alterations of the Highlands' boundaries. I assure hon. Members that it is quite innocuous and that nothing is behind it. It is all quite open and above-board and they need have no fear that some undue advantage is being taken of the Highlands.

I will undertake, Sir, to give as much publicity as possible to the new compensation provisions; and endeavour to make it clear to the land-owning community what is entailed in these alterations to the law and I agree that the *K.I.O. Fortnightly* will be the best means for carrying that out.

[The Member for Health, Lands and Local Government]

The hon. Mr. Mathu has raised a question that I, too, am concerned about. The reason for the delay in amending the Native Lands Trust Ordinance to carry out the recommendations of the Committee is, I believe, that when the recommendations were accepted by the Government and consideration was given to the alterations of the law that would be required, all kinds of other proposed amendments of the Native Lands Trust Ordinance got mixed up with it. Discussion has been very protracted. No finally has yet been reached, but I will go into the subject with my hon. friends, the Chief Native Commissioner, and the Member for Legal Affairs and if there is going to be a long delay in bringing forward the comprehensive amendments, I will endeavour to see that the *ad hoc* amendments required for this purpose shall be brought to the Council as soon as may be. I am sorry that I cannot give a definite date for bringing forward the measure, but I will say that it will be as soon as it can possibly be arranged.

The hon. Member mentioned the District Councils Ordinance. I draw his attention to the recommendations of the Committee. After careful examination, we considered that no amendment to the District Councils Ordinance was required. I believe that the district councils and the county councils will adopt, generally, the measures that we are now proposing and will carry into effect the rules which Government is going to promulgate when this Ordinance has been enacted.

The question was put and carried.

MOTION

PAYMENT OF MONEYS TO HOUSING FUND UNDER HOUSING ORDINANCE, 1953

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move:

BE IT RESOLVED that with effect from the date of operation of the Housing Ordinance, 1953, the Moneys standing at that date to the credit of the Housing Fund established under section 4 of the Housing Ordinance (Cap. 142) be paid over to the Housing Fund established by sub-section (1) of section 6 of the Housing Ordinance, 1953.

This Motion, Sir, is in order to put on a proper legal footing the new Housing Fund established under the Housing Ordinance which was enacted a few weeks ago. Hon. Members will recollect that that Ordinance replaced one that had been on the Statute Book for ten years. The previous Ordinance established a Housing Fund and a Central Housing Board to administer it. Under the new Ordinance there is also a Housing Fund and a Central Housing Board and we want to make it quite clear that the new organization is really a continuation of the old and that all funds and all obligations entered into by the previous Board shall pass over to the new Board. That is the reason for the Resolution; in order to save the auditors the trouble of querying the transfer of the funds at some later date.

I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

MR. USHER: Mr. Speaker, Sir, I wonder if the hon. Mover could inform the Council what amount is now standing to the credit of the old Fund, and what further income the Fund may expect, that is to say, from outstanding loans and from other income.

I apologize for asking this question without notice, and I shall quite understand if it cannot be answered.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, Sir, I am sorry that I am not a compendium of all information and I do not carry that in my mind. If the hon. Member has a thirst for information, I will let him have it privately.

The question was put and carried.

MOTION

NEW STANDING ORDER NO. 103

THE CHIEF SECRETARY: Mr. Speaker, Sir, I beg to move:

BE IT RESOLVED that this Council do adopt the new Standing Order No. 103 and the heading thereto as set out in the Instrument under clause XXIV of the Royal Instructions made by His Excellency the Governor on the 6th day of May, 1953, and laid on the Table of this Council.

[The Chief Secretary]

The instrument in question, Sir, frames and proposes a new Standing Order No. 103 relating to procedure for the amendment of Bills in Committee. Paragraph (a) of the proposed new Standing Order, Sir, requires every amendment to be reduced to writing, signed by the proposer and handed to the Clerk. The purpose of the Standing Order and this paragraph in particular is to facilitate the business of the Council and to expedite it and to make for accuracy of amendments which may be proposed to Bills. This provision, Sir, existed in the old Standing Order, that is, before the revised Standing Orders which were introduced last year, but was not repeated in them although the draftsman, I understand from the wording of the existing Standing Order No. 103, thought that Members would, as a matter of course, put amendments in writing.

It will be recalled, Sir, by some hon. Members, and by yourself, I think, Sir, that we had considerable difficulty on a recent occasion when we were sitting at a late hour with a number of amendments proposed to a particular Bill, and I think that it will be for the convenience of all hon. Members if this course is adopted, if it is made obligatory for proposed amendments to be put in writing.

Paragraph (b), Sir, provides that if a copy of the amendment is delivered to the Clerk not later than 24 hours before the Bill is considered in Committee, those amendments will be circulated on an Order Paper, that is, the procedure which is contained in the existing Standing Order. The third paragraph, Sir, provides that if a copy of such amendment is not delivered to the Clerk more than 24 hours, or 24 hours or more before the Bill is considered in Committee the amendment shall not be proposed except by the Member in charge of the Bill or with the consent of the Committee. But there is a further provision, Sir, that this paragraph shall not apply unless there is an interval of at least one clear day between the Second Reading of the Bill and the Committee stage. It does sometimes happen, Sir, that at the same sitting the Second Reading and the Committee stage are taken at the same sitting, and

in such cases the third paragraph will not apply.

I beg to move, Sir.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question was put and carried.

MOTION

CONSTRUCTION OF AN AIRPORT AT EMBAKASI

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, with your permission and that of the Council, I will seek leave to move this Motion instead of the Secretary for Commerce and Industry in whose name it stands.

Mr. Speaker, I beg to move that:

BE IT RESOLVED that this Council approves, in principle, the proposals in connexion with the construction of an airport at Embakasi as outlined in the Sessional Paper on Embakasi Airport laid on the Table of the Council on 5th May, 1953.

The Sessional Paper, Sir, seeks to set out the position in regard to the necessity, in the view of the Government, for a new airport some distance from the City of Nairobi. As we see it, there are four choices before the Colony at the present time. The first is to have the foresight and the confidence in the development of the Colony to build a new airport in keeping with the country's status and what I believe to be its future.

The second choice is to see Nairobi and the Colony becoming a backwater in regard to air traffic.

The third choice would be to attempt to build up Eastleigh Airport to the required standard for operational needs. That, Sir, would cost a lot of money, it would also sterilize land that we look on as being very valuable to the development of the City of Nairobi and, indeed, of the Colony as a whole. It would also necessitate the freezing of sites and levels in a rapidly growing industrial area.

That would be the third choice—to carry on on that basis.

There is a fourth choice, but I believe it is academic, which would be to go in for clearing, earth-moving on a large scale and, in fact, extend the Eastleigh

[The Member for Commerce and Industry]
runway to the modern requirements for operational necessity and also by clearing buildings and such-like to make the angle of approach suitable. That would be very costly indeed and I believe it is an academic choice.

I therefore believe, Sir, the choice before us is whether to look ahead believing in the future of this Colony and to build an airport that will serve not Nairobi alone, not Kenya alone, but the whole of East Africa, because Nairobi is not a staging post, Nairobi is a terminal airport serving all these territories with lines to many parts of the world, and other air lines are bound to come in. In no sense of the word, Sir, is the construction of an airport at Embakasi in competition with the very fine airport at Entebbe. That, Sir, is absolutely essential and is a monument to the vision of the people of Uganda and is absolutely necessary for the shorter route from the United Kingdom to South Africa.

Here, Sir, we are talking about a terminal airport to a very large extent serving these three territories and providing for an entirely different need.

Now, Sir, I believe that this airport, if it is built, will result in a large increase in the tourist trade. It will make it far more convenient for business, it will have advantages, some of them possibly more imponderable than the ones I have mentioned, but distinct advantages in terms of the economic life of the territories.

I do not wish, at this stage, to go into financial details, because my hon. friend, the Member for Finance, will be ready to deal with those points at a later stage in the debate. Nevertheless, I would like to say that after somewhat protracted negotiations in the United Kingdom, in which he and I took part, we have obtained considerable assistance from the United Kingdom authorities who will, of course, benefit from the construction of a new airport.

We have also, and here I would like to pay a tribute, we have also received very great assistance of a technical nature from my hon. friend, the Director of Public Works, who has had great experience in these matters and has been able

to put forward proposals to the satisfaction of the air authorities which represent a considerable saving of money as against the original scheme. (Hear, hear.)

It is, I think, described in the Sessional Paper what the airfield will be like. It will, of course, if this Motion is approved by Council, be necessary to introduce resolutions later seeking authority for the necessary expenditure in accordance with the priority the Planning Committee has given to the scheme. Landing fees, which in respect of Eastleigh go to the Royal Air Force, will, of course, accrue to the Kenya Government. There will also be night landing fees, but I do not wish in any way to mislead the Council and suggest that the revenue from the operations of this airport is likely to meet the costs of maintenance, operation and interest on the money invested, that is not the case.

Statistics may be of interest to this Council. The present runway at Eastleigh is 7,930 feet, of which 2,000 feet are bituminized. The angle of approach is 1 in 53, which is a somewhat steep angle. I am advised for present operational needs, although of course it has been passed by the authorities or it could not be used. There is a substantial decline from the middle of the runway of 1 in 70 as opposed to 1 in 80 which is normally recognized as being satisfactory. There is a bad route of approach into the city and planes using the airport have to come in over Nairobi Hill and the tallest buildings of the industrial area, notably the Unga mill. Air radio is not altogether satisfactory in bad weather. The minimum specifications of a new airport at Embakasi would be 10,000 feet of paved runway, with 2,000 feet to the north-east and 1,000 feet to the south-west of cleared and levelled overruns, that is, a total of 3,000 feet of cleared overruns, making a total of 13,000 feet, representing the requirements of the Ministry of Civil Aviation. The most attractive, or one of the most attractive, aspects of the Embakasi scheme is, of course, that there is ample room for expansion as the needs of aircraft operation increase. I am not, of course, in a position to say more on this than what I have been advised by those who are expert in the matter, but we are assured that the construction of an airport at Embakasi, together with the

[The Member for Commerce and Industry]
possibilities of expansion as they become necessary, will ensure, as far as can be foreseen, that the operational needs of any aircraft envisaged can be met by the scheme as proposed.

I think I should make it quite clear, if I have not done so already, that the Kenya Government has no doubt whatsoever about which is the right course. They are quite convinced that the airport at Embakasi is necessary—that it has the highest priority in terms of the life and future of this Colony. We do not admit that in any sense of the word this project is a luxury; we look upon it as a necessity. In saying this I do want to make it clear that I can see that others may take a different point of view—a point of view based possibly on different assessments of value of air transport, a different assessment of the future of the Colony I respect their point of view, but it is not one I can accept myself.

There is no question but that Kenya is at the beginning of a new era of aeronautical development but we are not seeking to vie with our neighbours or seeking to create some grandiose scheme, a scheme that might be merely considered an advertisement in view of our somewhat slender resources—slender immediate resources. We are commending to this Council a project which we believe is absolutely essential if we are to see the full fruition of our developmental programme; if we are to see this Colony take its place in relation to the most rapid form of transport to provide facilities for what is, after all, an external lifeline of commerce, industry and travel. (Hear, hear.) We must provide air facilities which in my view are demanded by a developing country, and facilities, which if not provided, will, to a certain extent, stultify development of this country. (Hear, hear.) I do not feel I need to detain the Council longer. I or my hon. friend will seek to elucidate any points hon. Members wish to raise.

I beg to move. (Applause.)

THE CHIEF SECRETARY seconded.

Question proposed.

MR. MACOSOCHE - WELWOOD: Mr. Speaker, I rise to oppose the Motion for certain reasons which I will outline.

Nevertheless, I am quite prepared to withdraw that position at a later stage in the debate if the answer of the hon. Member in his reply satisfies me on certain matters that I am going to raise. My main reason for opposition is the question of putting first things first and as the hon. Member himself said, there must be in such matters two opinions. It is my belief that this airport is necessary. Nevertheless, I believe that it is not the particular form of development, given the limited finance available to us, most vital at this stage, for the development of this country and the production of income for this country, which is so necessary. I believe to some extent an airport on this scale is enormously appealing because it is spectacular and, as the hon. Member put it, it appears that you are putting yourself as an important capital of a large centre of population. But I do not believe that there is any use in being the capital of a large centre, if to get to that capital becomes increasingly impossible because local transport is impossible. We have limited finance; we have not earmarked finance for another vital matter which is—the improvement of roads. This will undoubtedly make it two hours shorter from Nairobi to London. It will still remain two or three hours of unnecessary length from various parts of the Highland to Nairobi. And in my submission it is rather more important to save two hours on a journey of two or three hundred miles than on a journey of 5,000 miles. That is my main reason for opposing this. There has been no talk of putting the internal transport of this country as first priority. We are about to put the external transport of this country as first priority. Moreover, in the White Paper it has been said that it will take three or four years to build Embakasi. I would like the hon. Member in his reply to tell us how he is going to carry on with Eastleigh for three or four years, which is admittedly in a condition which is quite disgraceful from an air traffic point of view—I do not minimize that. It is also said in the White Paper that to bring Eastleigh up to the required standard would necessitate closing it for three or four months. Three or four months is a short time compared to three or four years to make Embakasi. What is the proposal, and what money is to be spent on keeping Eastleigh Aerodrome functioning in the interim period?

[Mr. Maconochie-Welwood]

There is another point on this matter of communications. At the present time it is surely unnecessary to emphasize that one of the greatest values of communications is the strategic value, and it cannot be argued that this aerodrome has as great a strategic value as the road communications of the Colony. I am talking at the moment of internal security. I would also add—my hon. friend smiles—but when you have, as he, himself, has stated, a magnificent aerodrome within about an hour's flying time in the modern jet airliner at Entebbe, the strategic external importance of our aerodrome in Nairobi largely falls down. It is a fact in the world to-day that all airlines are heavily subsidized by the tax-payer through the provision of ground facilities, and the British Overseas Airways Corporation has laid down a standard, I understand from the White Paper, of a very great length of runway. I would like the hon. Member in his reply to tell us whether all international airports that are going to be used by these new turbo-jets are capable of development, both to the length of 10,000 feet and overrun of 800 feet, which is mentioned in the White Paper. Another argument has been put up that the existing aerodrome at Eastleigh would not allow the development of a parallel runway should traffic expand. Well, that argument to my mind is entirely specious. The capacity of the single runway is quite enough for any possible traffic that this country envisages until a point arises when we are obviously so rich that the construction of the new airport would be a bagatelle in the budget, so the question of the parallel runway at Eastleigh does not seem to be any support of the argument.

I would also like the hon. Member to say in his reply whether there is any intention of suggesting that the Municipal Board of Nairobi should make any contribution towards the cost of this airport.

MR. HARRIS: Board?

MR. MACNOCHIE-WELWOOD: Municipally.

MR. BLUNDELL: City. (Laughter.)

MR. MACNOCHIE-WELWOOD: Whether any contribution is made by Nairobi—my reason for saying that is this; that quite clearly Nairobi is going to be the biggest gainer by the new airport. That is

stated in the White Paper very clearly for not only will it gain the advantage of Eastleigh for development and the rates that will come from it, but it will also, as again stated in the White Paper, have the advantage of easier development in the industrial areas, which at present is stopped by the approach of Eastleigh. I am merely quoting the White Paper. As to the accuracy of the White Paper, I am not in a position to comment.

MR. HAVELOCK: A city can afford more than a board, too.

MR. MACNOCHIE-WELWOOD: That is true. Another point in the White Paper is that it is "anticipated"—it says—that £250,000 will be met by the Ministry of Civil Aviation. I would ask the hon. Member what "anticipation" means—does it mean that it will definitely produce that money, because it seems to me to be very germane to this discussion.

In conclusion, I would reiterate my one main point, in opposition—that I believe the development of this country depends more on internal communications than on the ostentation of magnificent airports, and the money you are proposing to spend in excess of the probable amount necessary to improve Eastleigh would pay for something like 80 miles of new bituminous roads. I believe that these would bring in more to this country, not only in development (because the country would be more settled), but also in relieving the enormous and disproportionate expenditure which is spent by the taxpayer of this country in the maintenance of vehicles in a country which run on mud tracks, than the plan of which we are now talking—of building an airport to the highest international standard.

MR. HARRIS: Mr. Speaker, Sir, in supporting this Motion I would like first to deal with two of the aspects raised by the hon. Member for Usin Gishu. One is the question of strategic importance of an aerodrome in Kenya, and the other is the charge that this proposal is only made because we wish to be spectacular. It is, Sir, ten years ago last March since Squadron-Leader Perrin presented plans showing the alternative advantages of either increasing the runway at Eastleigh or alternatively building what in our ignorance in those days

[Mr. Harris]

we called building the new aerodrome on the other side of the Thika line. It is now called Embakasi. That, Sir, was ten years ago, and the proposals for building that new aerodrome which was recommended, were entirely strategic and had nothing to do with commercial values in the Colony. In 1943 the Royal Air Force were not given to anything spectacular on the ground, although occasionally spectacular in the air, and I do not think that the proposals made in 1943 could possibly have been lacking in either strategy or had anything to do with spectacle.

In supporting the Motion, I would like to congratulate the present team of the hon. Member, the Member for Finance and the Director of Public Works for what the hon. Member described as foresight. After ten and a bit years, I think it almost is hindsight on the part of the other side of the Council, but I think the present team are to be congratulated on, at any rate, getting their ideas up to date. There is one point I would like to make, particularly to the hon. Member for Finance and the Planning Committee. That is if we go ahead with this project, I believe it is absolutely essential to the development of this Colony that we should maintain world trunk routes for Kenya. Entebbe, Sir, in aeronautical consideration is no alternative for Nairobi, because the airlift to East Africa is to Nairobi and from Nairobi and for the sake of economy air routes to South Africa from Europe would go by the West Coast route and would by-pass East Africa completely. But, Sir, I understand that within eighteen months, it is likely that the "Hermes" which can land at Eastleigh will be taken off the London run and they are liable to be replaced by the new "Britannia" which should be coming into operation at the end of 1954. Now the "Britannia" is a 100-seat aircraft and I do not believe it will be able to land at the present Eastleigh. I would suggest that if we are going to go ahead with this extension—albeit the methods of construction being somewhat unorthodox—if it looks as though we may be losing the B.O.A.C. route through Africa—I suggest that the Planning Committee should plan in such a way that the Embakasi airfield is completed in time to retain the trunk routes.

If the B.O.A.C. are going to put the "Britannia" into operation, it is likely that the other airlines passing through East Africa will also bring in new types which will make Eastleigh obsolete.

One last point, Sir, is that the hon. Member for Usin Gishu made a point that we were spending money on external transport and we were neglecting internal transport. I agree, Sir, with his final remarks on the desirability of building up bituminized roads in this country, but I would say that I think it likely that he and his friends will continue to own motor-cars in the coming years, but unless we get a decent aerodrome in Kenya, we will have no external transport to either subsidize or use.

MR. COOKE: Mr. Speaker, contrary to the hon. Member for Usin Gishu, I wish formally to support this Motion. I do it, not because I think the Motion is good in itself, but it seems to me to indicate a change of heart on behalf of the Government towards financial expenditure in this country. I think this reorientation of policy is largely due to my hon. friend the Member for Finance and to my hon. friend the Member for Commerce and Industry, who has, in my opinion, shown great courage and vision in this matter, and we are told in the Bible that in a country without vision the people perish. For years we have been building up surplus balances in this country against all the "craze" of taxation. My hon. friend the Member for Nairobi West will bear me out. We have been taking from the pockets of the taxpayers more than we needed for the service of the public. We have been putting all this money aside, as old women put their money into a stocking and keep it against a rainy day, and the consequence of that, Sir, is that a good deal of the production—expansion that should have taken place in this country as in the past—and, of course, projects would have cost a good deal less in the past—have been put aside. I need only refer to the lack of housing or the lack of grain storage in this country—typical examples of too little and too late.

Now my hon. friend the Member for Usin Gishu referred, Sir, to the neglect of roads, and I could not agree more, but I would like to see both aerodromes

(Mr. Cooke) and better roads, and I feel, Sir, that a surplus balance of something like £8,000,000, that money—£8,000,000, yes—should be put to productive purposes. There are some people in this country, and in this very Council probably, who think that if we spend money, it is like putting a load of gold into a dhow and sinking it off Mombasa. But if you get money profitably used, it brings more money into the taxpayers' pockets.

Now, with regard to "hindsight" referred to by my hon. friend the Member for Nairobi South. As a matter of fact, a great deal of foresight was exhibited by his predecessor, Mr. Derek Erskine—whose absence I deplore in this Council, especially during the present crisis—a good deal of foresight was shown by Mr. Derek Erskine, who a few years ago strongly advocated that the Embakasi aerodrome should be built. Not to blow my own trumpet, I was the only Member—European Member—on this side of the Council who supported it. If that project had been put through then—the failure to do so is an example of the lack of courage prevailing in this country for the last few years—the failure to do so has probably cost this country several hundred thousand pounds more and I feel that in a young country like this—a young developing country, we must show more foresight and vision and go ahead. For that reason I most heartily support this Motion.

GROUP-CAPT. BRIGGS: Mr. Speaker, I congratulate the Government on their decision to proceed with the Embakasi project. I think there is one overriding consideration that perhaps has not been mentioned and which probably affects their decision to proceed with Embakasi rather than to extend the runway at Eastleigh and that is the fact that until such time, as there is an international agreement in regard to take-off and landing requirements of the present-day types of aircraft and the future types of aircraft one is always liable to be faced with a demand for longer and longer runways, and therefore, even though Eastleigh was extended and made suitable for the aircraft of the next few years, the time will come quite obviously when it would be quite inadequate and you will then have

to start again and build a new airfield elsewhere.

I entirely agree with the remarks of my hon. friend the Member for Uasin Gishu in regard to the need for roads as well as for airfields, but I do hope that the indirect trade which will be brought to this country as a result of a first-class airfield here would perhaps help in that direction as well as in the form of increased revenue. I think that is something that must never be lost sight of, and there is an old saying in the shipping world that trade follows the flag and I think the same thing can be said to-day in regard to air transport. (Hear, hear.)

There is one point that causes me some concern, that is the length of time estimated for the construction of the airport at Embakasi. My hon. friend for Nairobi South has already touched on that and also on the possible consequences. During the war, airfields of comparable length—not as a matter of fact that the standard during the war was quite so high—airfields of some 2,500 yards and in some cases of reinforced concrete were constructed in the period of under a year and it does seem to me that the present estimate which I think is something like three years is somewhat excessive, and I would therefore ask the hon. Member when he replies if he could perhaps touch on that point and say whether it is possible for the Government to consider other methods of construction with a view to speeding up the work. Whether it will be possible to work by floodlights at night—possibly on a three-shift basis, or something of that sort, whether they will consider putting the work out to contract to some of the big firms who built airfields during the war in such a short time.

Mr. Speaker, I beg to support.

MR. CROSSKILL (Mau): Mr. Speaker, I wish to support the Motion, but that support must be subject to certain assurances and provisos which I hope will be forthcoming from the hon. Member on the other side of the Council. Personally, I am convinced that we must have the airport at Embakasi for several reasons. First of all, we have nothing really of any value at Eastleigh—the runway at Eastleigh is of no permanent

(Mr. Crosskill) value—it has recently been somewhat like a sponge and was in danger of becoming out of use completely. We have no buildings of any value, therefore if we are going to build, let us build somewhere where it is completely suitable. I realize that if we have an airport, it will not divert traffic from Entebbe, but I do believe that it is of vital importance that we should be ready for the "Britannia" aircraft which has been projected for use in about 18 months' time. I say that I also believe that the topographical disadvantages which exist round Eastleigh make it undesirable that we should try to improve the Eastleigh aerodrome.

There is one point that has not been made, however. I would like to emphasize that the Sessional Paper requests that we approve the expenditure of a quarter of a million, but I do feel that that Motion, entails and will commit us to an expenditure of over a million pounds and I think that this case should be judged on that basis.

Now, I have five points on which I should like an explanation from the hon. Member opposite. The first point, Sir, is that it is estimated in the Sessional Paper that the initial cost will be a million and a half. Now I would like to know what further expenditure, if any, is envisaged.

The second point is that I would like an assurance that there has been a thorough investigation of the possibility of building an airfield on the red soil that exists, rather than on black cotton. Such conditions do obtain in Nairobi West and I do feel there is a possibility that a further area on the plain may exist where there is red soil and I would like an assurance that that has been fully investigated.

The third point. I would like a statement from the hon. Member opposite as to whether the funds which may accumulate from the disposal of the present assets at Eastleigh will go towards the construction of the Embakasi airport.

Fourthly, I would like to reiterate very strongly the remarks made by my hon. colleague on this side of the Council with regard to the time for construction of Embakasi. I could not support the Motion if the construction is going to take from three to four years. I do

believe that it must be ready in 18 months and that this can be done. We must not lose interest and the dividends on the money we are going to invest by not being prepared to accept the "Britannias" when they are ready to come here.

The fifth point, Sir, is in regard to expenditure. It is stated in the Sessional Paper that the cost of the reconstruction of Eastleigh would be in the nature of half a million pounds. I am excluding the sum of £300,000 which is stated to be the possible cost of the extension of the runway, because that at Embakasi would be quite unnecessary, but we are told that half a million pounds would be necessary for the construction of a suitable runway at Eastleigh which must be built on similar conditions as exist at Embakasi on black cotton soil which must be removed. Therefore, I feel that we could construct a runway at Embakasi for half a million pounds, a similar sum to that which is considered necessary for the reconstruction of Eastleigh. Added to that, I know, there will be the cost of a road of access; if we put that at five miles or £50,000 and add again to that, the cost of the land, which is estimated to be £90,000. I feel that we should be able to construct the essentials at Embakasi for something like £600,000. Now, if my figures—if my break-down of the figures is correct, I would like to recommend that we proceed forthwith and with great expedition—with the construction of the essential first class runway, the road of access, and thereafter, in a year's time, we can still have a further opportunity of discussing the extra expenditure on the buildings and such-like in the light of the financial position of the country and in light of the further possible future of aircraft development.

There is only one other point I wish to make, Mr. Speaker, and that is that I must express a certain perturbation at the development round Eastleigh. In the last few days, I have been round there inspecting the area. I do think that the ribbon development—the semi-slums are a disgrace. The Sessional Paper states that we are retarding the development of industry there on land that is required for the building and other purposes and I ask the hon. Member for Health, Lands and Local Government

[Mr. Crosskill]
 to urge the City Council that they should see that it is not only for further industrial development that that land is to be used at Eastleigh, if it is to be released, but that a certain part of it is used for playing fields and green lands, because I feel that it is likely to become a blot on the otherwise pleasant landscape of this City.

Mr. Speaker, I beg to support.

THE DIRECTOR OF PUBLIC WORKS: Mr. Speaker, there have, in the course of this debate, been a lot of technical points raised on Embakasi Airfield and on Eastleigh and I will try to deal with a few of them now because it may affect the future course of the debate if anybody else is going to speak. First of all, I think, it must be clearly understood that this estimate in the Sessional Paper is based on the report of the consultant engineers who were engaged by Government some 18 months ago to go into the whole question of Embakasi. They took, I think, some six months over it and decided what area to recommend and they produced what they call their project report which is, in actual fact, only really a first estimate. This project report which recommended that Embakasi should be adopted as the future airfield of Nairobi, estimates the probable cost at about £1,900,000. It then went to the Ministry of Civil Aviation in London and to myself at the same time. The Ministry of Civil Aviation recommended that the facilities and the standard of construction recommended by the consultants should be improved and an additional expenditure of £180,000 should be added for the cost. I, on the other hand, went about it in another way and tried to find out what we could save and came to the conclusion that by some reductions in the planning which would not affect the safety of the airfield, and by some reductions in the standards which also would not affect it to any extent, a saving of about £500,000 would materialize. The discussions continued between the Ministry of Civil Aviation and ourselves, in which the Member for Commerce and Industry argued the Kenya case extraordinarily eloquently (because the Ministry of Civil Aviation are an extremely difficult body to persuade) that their suggested increase in cost was not necessary, in fact, that a decrease of

£400,000 or £500,000 was quite practicable. At any rate, that is how it now stands at £1,500,000.

Now, it has been suggested that a proper search for a suitable site has not been made and that by going farther out, we might find red coffee soil instead of black cotton and that red coffee soil is more suitable for constructing an airfield on. The search for the site was done by the consultants and we have accepted their site because it is a good one. I do not myself think that building on red soil would cheapen the price in the least. Embakasi is actually a first class site. It is perfectly true that it is on black cotton soil, but the black cotton soil there is only to a depth of two or three feet—in some places it may go up to four feet—and that black cotton soil has got to be removed and then you get down to the basic stone phonolite. Whether you build there, or whether you went further out and built on red soil—if you could find it—you would still have to have that very extensive excavation of the surface soil. There are altogether something like 900,000 cubic yards of black cotton soil to be removed. That will be replaced by stone which has to be placed to the grade and shape you need for an airfield. Approximately 250,000 tons of stone are going to be required. When you work out only approximately the cost of moving 900,000 cubic yards of soil and its replacement by 250,000 tons of stone which has got to be quarried and has got to go through the crushers, then it has got to be transported three miles or more to the site of the airfield; to suggest that that can be built for £600,000—by what manner or means that estimate was made, I do not know—to suggest that it can be done for £600,000 is frankly absurd.

Mr. COOKE: Use Mau Mau for it!

THE DIRECTOR OF PUBLIC WORKS: Now, there is this very important question of time. The time of construction estimated at three to four years is again the time specified by the consultant engineers, and they, no doubt, in their experience of airfield construction elsewhere, were taking into consideration the present position as regards the possibility of obtaining contractors and getting plant into this country when they recommended that it was going to take three, or four years. Well, if this Council approves Embakasi Airfield, we propose setting

[The Director of Public Works]
 about the work in rather a different way, because it is intended to make considerable use of detainees—prisoners. The use of prisoners would not necessarily shorten the time of construction, but by the judicious use of prisoners and the necessary plant to get the maximum use out of those prisoners, I think it will be possible to shorten that time of construction to a certain extent, but I very much hesitate to commit myself to a figure at the moment. It would be possible though, and this is what we aim at—to complete the runway—a sufficient amount of the apron and the connecting link to the runway as the first target, and then finish off the airfield as planned, that is, the taxiways and the rest of the apron, at a slightly more leisurely pace, and by that means it might be possible to reduce the long period of three to four years.

I think the hon. Member for Mau said that he could not understand why the airfield could not be constructed in 18 months. I have already explained that this is only a project report. The final complete investigations of the airfield have not been done, in a sense. We are not going to know, for example, precisely what quantity of stone is going to be required until the black cotton soil has been stripped off the top. We cannot strip the cotton soil off the top until we get the money to do so, and therefore we are not going to know what quantity we need—it may be 200,000 or 300,000 tons—for about nine or ten months after the work is started. So it is quite impossible to say the precise time as to when the airfield will be finished.

I would just like to turn to another aspect of the matter that has been raised by many Members, and that is the possibility of improving Eastleigh. The Minister of Civil Aviation has laid down as a condition for Embakasi, a runway length of 10,000 feet, and a paved-over run of 800 feet and a cleared overrun, not paved, of 2,200 feet. The estimate—or the approximate estimate—that has been given for Eastleigh is of the order of £500,000. That is only for a runway of about 9,300 feet without an overrun. However, we have no reason at all to suppose that the Ministry of Civil Aviation will agree for one moment with the permanent usage of an airfield which

is nothing like approximate to the standard which they have insisted on for Embakasi. If the same standards as for Embakasi were to be insisted on it would mean extending Eastleigh across the valley in which runs the Nairobi River, it would mean a lot of clearing and shaping on the other side, and to give a figure at a rough guess—I would say it would involve us in the expenditure of well over a million pounds, and with that you would not have got anything nearly so satisfactory as at Embakasi.

Now the point was raised that if the initial cost was one and a half million, what further expenditure was envisaged. The further expenditure that might be envisaged as traffic develops and the necessity for expansion becomes obvious, is for such things as hangars for the main trunk lines, which have been left out at the moment, increased taxiways—we are economizing a bit on taxiways—and various items of that sort, nothing that I visualize as being essential for the next 10, 15 or 20 years and which can be added as traffic necessity demands them.

Now the Member for Uasin Gishu has emphasized that first things should be first. Now I am the last person to argue for airfields as against roads. I am equally interested in both, but I do believe that it is a cardinal principle when you are dealing with transport on the broadest view, that you deal with your main trunk system first, and get that into first-class condition, and then what we might call the branches or feeders come next. Now in a case like this your main trunk system—looking at transport on a world basis—are your sea routes and your air routes, and on that argument it is essential that your terminals, that is your port at Mombasa and your air terminal in Nairobi, are both of first-class standard. (Hear, hear.)

Mr. MACDONALD-WELWOOD: If you cannot get into Nairobi it is no use.

THE SPEAKER: It is now eleven o'clock. Business will be suspended for fifteen minutes.

Council adjourned at Eleven o'clock and resumed at twenty minutes past Eleven o'clock.

THE DIRECTOR OF PUBLIC WORKS: Mr. Speaker, Sir, there are only one or two more points to deal with.

[The Director of Public Works]

The strategic aspect of this airfield at Embakasi has been raised. The other day I was reading a speech made by the hon. Member for Nairobi West in which he pointed out very eloquently how Kenya was in the front line of defence, and referred to it as a citadel against some unnamed enemy. Well, that may or may not be the case, but if one is going to take a matter of that sort into consideration, it is, I would mention, the height of folly if you have the opportunity of moving your airfield, to retain it in the centre of the population. An airfield, as we all know, is the first target in any offensive operation, and although, I do not subscribe to the opinion that one should base one's selection of a location on that argument, a certain degree of consideration can be given to it in making that selection of location.

The Member for Uasin Gishu raised a point as to how Eastleigh was going to carry on during the period of construction at Embakasi. Well, it is quite evident. I think, that the "Hermes" will, anyway, continue to operate at Eastleigh, and that, anyway, gives us 18 months' grace. Even if we can shorten the period of essential construction at Embakasi, there might still be a certain period when the position might be a bit difficult, but possibly, although the "Britannia" might not use Eastleigh, B.O.A.C. might be willing to run some other aircraft there—possibly they might retain the use of the "Hermes".

I think, Mr. Speaker, Kenya is now standing at a point where many other territories have been—that is, having lagged behind in ground facilities for aviation, are they to continue to put money into something which is bad, inefficient, inconvenient, or should they cut completely adrift from that, and embark upon something which is—

MR. MACONOCHE-WELWOOD: Would hon. Member withdraw for a minute? I want to ask hon. Member if he is suggesting that Eastleigh can carry on even with the "Hermes" for another year without expensive improvements, especially in wet weather.

THE DIRECTOR OF PUBLIC WORKS: That is actually an R.A.F. responsibility, but as far as I can understand the position, there are short periods of closure—

I believe it was closed for four days last year, but in general we should be able to continue with "Hermes" for the next two or three years.

Well, as I was saying, Mr. Speaker, Kenya has now got to make its choice as to whether it is going to continue with an airfield that is cramped, inconvenient and inefficient, or whether it is going to cut loose from all this, and take this opportunity to construct something of the standard required by modern aviation. Many other countries have had to make this choice—England did in respect of London many years ago—Nigeria did ten years ago, at Lagos, and Singapore has fairly recently, and is now building a £4,500,000 airfield. It is a choice that is inevitable. I would personally think it would be a great mistake if we did not make our choice in favour of Embakasi.

Mr. Speaker I beg to support.

MR. COWIE: Mr. Speaker, I only want to add two words to this from one angle only—that is the development of tourist traffic. I believe if you say something often enough, eventually someone will believe you, and I have always held the view that we have only touched the fringes of the potentialities of tourist traffic in this country. As the world gets more full of people and they want to go and see how the other fellow lives—we can expect more and more people visiting East Africa.

One of the major essentials in that is the shop window—in other words their first point of arrival—and, therefore, the airport is the obvious place for the first development in sponsoring tourist traffic. It is most unfortunate, I think, that in all our trade returns, it is impossible to state the value of this invisible export—we can put precisely the value of coffee, sisal and pyrethrum exports, but it is not easy to assess the actual value from tourist receipts. By a survey made through the East African Travel Association, it does not seem likely that the figure is not under £5,000,000 in a year. When you compare that with the value of other exports, which with all respect to the Member for Uasin Gishu require roads, it becomes very important, and therefore, I would emphasize, Sir, if we had any faith in developing this country for tourist travel, one of the first things is to have a good airport. The next thing we require

[Mr. Cowie]

is also accommodation, but that is not within the scope of this Motion.

I beg to support.

MES. SHAW: I have listened with interest to this debate and, after hearing the pros and the one con, I feel that I must support the project; not that I have not a great deal of sympathy with the one con, and there is a very real danger, as my hon. friend, the Member for Uasin Gishu, states, that we may not be able, with the present mud tracks to reach the aerodrome, because as short a time ago as eighteen months, I had, in order to reach a session of this Council, I had to travel the first eight miles in an ox cart. That is a very real danger and I, of course, would back the making of bituminized roads only too strongly as well.

I, too, should like to congratulate the Government on its foresight in this project, and in doing so would like to remind the hon. Members of this Council who, possibly, were present on that occasion, that as long ago as four years Nyanza Province, or rather the delegates from Nyanza Province, put up this proposition at the Electors Union Conference in Nairobi.

I support this very strongly for three reasons. Firstly, on account of the unsuitability of Eastleigh as a major airport. For, first and foremost, surely, in the consideration of an airport must be the safety factor. It is well known that the approaches to Eastleigh are bad and it will become increasingly dangerous with the growth of this city and the consequent erection of many more buildings both for commerce and industry, of the type of Unga, Ltd. Nairobi lies in a hollow surrounded by hills and often when coming in to land you find the city smothered with a blanket of cloud. Thus it is obvious that with the use of the faster type of jet-propelled aircraft, flying at higher speeds, the danger of the approach must be greatly increased.

Embakasi has no such disadvantage, nor is there the danger from the height of buildings, lying as it does completely outside the city boundaries. Secondly, if Eastleigh is to continue to serve as our one big airport, the runway will have to be re-bituminized and greatly extended.

As you have heard, this can be done at a cost, but that cost will include the buying of much valuable land within the industrial area of the city. Indeed, the release of land at Eastleigh would be of the greatest assistance, for it is badly needed for housing and industrial expansion in that part of Nairobi.

Referring to a question asked by my hon. friend, the Member for Mau, as to whether the money raised from the release and sale of that land would go towards the cost of the airport, I should like to ask my hon. friend, the Member for Finance if he has any idea of what that sum would be.

My third reason for supporting this project most strongly is that if Kenya is not to drop behind her neighbours and take a secondary place amongst the East African territories, she must have a first class airport. For air travel, unknown in our grandfathers' time, a rather wondrous and frightening invention to our fathers, will play an ever-increasing part in the daily life of the citizens of to-day, and will in all probability be the commonest form of travel in our children's time! So if we have not the faith in the future of this Colony, which I am sure we have, I believe, Mr. Speaker, we must back that faith to our utmost, and in what better way could we demonstrate to the full our belief in the future of Kenya than by the building of a fine airport.

Mr. Speaker, I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I had, in any case, intended to intervene in this debate, but after hearing the comments of my hon. friend, the Member for Uasin Gishu, of course it became almost essential that the Member for Finance should at least say something on the financial implications in this matter.

I think my hon. friend, the Member for Uasin Gishu, has fulfilled the purpose of his intervention. I think he probably felt that if he did not say something this rather important project was going through on an almost unanimous vote without much said about it, and I think his contribution has served a very useful purpose. It has brought out from both sides of Council arguments for and against this particular measure.

[The Member for Finance and Development]

Now, Sir, one of the accusations, I think, launched against the Government in this matter is that they have long delayed it and, indeed, in one case, I think my hon. friend, the Member for Nairobi South, spoke about ten years. There seems at times, Sir, to be a tendency on the other side of the Council to imagine that the Government is an unchangeable and unchanging unit. Now, it is no more an unchanging unit than the groups opposite and when I look at the front bench, and the benches of Government behind me, I would have very great difficulty in recognizing that front bench as the one I used to face regularly on the opposite side of Council.

MR. HARRIS: I would like to thank the hon. Member for giving way. He will remember that I congratulated the front bench on the other side on changing.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am coming to this point because I think this is a thought which hon. Members opposite, and this Council as a whole, must bear in mind, that is that with a Government that does not change by election, there is still the fact that it changes in personnel, and that the effect of the change in personnel must inevitably, from time to time, mean a change in policy.

MR. HARRIS: For the good.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Well, we hope the good.

Now, Sir, these negotiations have been going on for some considerable time. The Member for Commerce and Industry and myself met the Ministry of Civil Aviation, the Air Ministry, the Colonial Office officials, officials of the British Treasury as long ago as last August when, indeed, I think he will corroborate this, we tried to force a decision. That was a very difficult thing to do.

When I was in London some ten days ago armed with the decision of the Planning Committee, I was able to go to the British Treasury, the Air Ministry and the Ministry of Civil Aviation and say: "This is going to happen and a decision must be made by May the 8th". The result of that was that I have a telegram now setting out certain conditions upon which financial assistance will

be given, but I would like to emphasize the importance of that in the negotiations, that, if fact, the definite trump card that I was able to play on behalf of the Government was the decision of the Planning Committee that Embakasi should go forward.

I think the hon. Member for Mau seemed to have some impression that this paper spoke about voting £250,000. Now, let there be no misunderstanding. As is shown on page 2, the initial estimated cost has been reduced to £1,510,000 and that is what the Council is being asked to deal with at the present moment. It is—and I would like to pay a very great compliment here—it is due to the hard work and technical efficiency of my hon. friend, the Director of Public Works, that we are able to get it down to that figure. (Hear, hear.) And indeed, as my hon. friend, the Member for Commerce and Industry, will corroborate, during our negotiations last August, the technical opinion of the Director of Public Works was barely challenged except in minor respects.

The question has been asked, Sir, as to what the "anticipated" means in the £250,000, the possible contribution from the Ministry of Civil Aviation Well, Sir, that was anticipatory completely until this telegram arrived from London recently. I can now say, Sir, that it has been agreed that the Ministry of Civil Aviation should make a fixed contribution of £250,000 towards the cost of constructing a new international airport up to standard at Embakasi, on the understanding that the offer is related to the settlement of certain long standing suspense accounts with Kenya and that the actual payments will have to be spread over the period of airport construction, so I think it can be said that the anticipating can now be done away with. It is now a matter of adjustment of suspense accounts, but I must warn the Council, of course, that negotiations on matters like that are not very easy and they entail a bit of hard-heartedness and stiffness on both sides.

Now, Sir, the question has been asked too about this £500,000. I think the figure was, I speak from memory, that would be recovered from the sale of land at Eastleigh. With all due respect to a lot of hon. Members, there has been a complete misunderstanding on this matter from the

[The Member for Finance and Development]

very start. No £500,000 is likely to be directly available from the sale of land. In the first place, when Government sells land it charges only 20 per cent stand premium and the balance is recovered by 3 per cent of the remaining 80 per cent acting as rent over the period of the lease which, in many cases, is 99 years. Now, we have got to spend £500,000 straightaway for this airport. That £500,000, and we have to put the cash down, cash which we shall have borrowed probably at the prevailing rate of 4½ per cent, or 4½ per cent, or perhaps 5 per cent, and we shall be paying interest on that money all during that period of time, so that in fact nothing is likely to accrue towards the cost of construction of this airport. I think hon. Members must get that particular point right out of their minds, but in any case, Sir, I would say this, that even if there were money accruing, as there will be, from the sale of land, that the Treasury could not agree it should be earmarked for this particular object since it is a golden rule that proceeds of this kind must go into general revenue and their expenditure be at the disposal of the Legislative Council. However, Sir, I hope I have covered that point on the £500,000, on the sale of land at Eastleigh, and that we will hear very little more about it.

Now, the hon. Member for Uasin Gishu, Sir, spoke about first things first, and turned immediately to roads. I think, Sir, there is some misapprehension about this business of roads. After all, certain revenue of this country—I say this with great reluctance—is earmarked for roads and road maintenance in this country and where one could cut expenditure on many services, as long as the principle remains of earmarking certain taxation to go to the Road Authority, you cannot touch the Road Authority's income although you might wish to, as a Council, in a period of recession. In 1952, Sir, the road expenditure by Government from the Colony's funds was £675,753 and the Development and Reconstruction Authority allocation for capital expenditure over £750,000, so that in 1952 alone this Colony spent £1,425,753 on road construction and road maintenance.

MR. MACDONALD-WELWOOD: It is still not enough.

THE MEMBER FOR FINANCE AND DEVELOPMENT: It may not be enough, but the hon. Member will not get more unless he is prepared to sacrifice other projects.

MR. BLUNDELL: Or, surely, he can advocate a policy of raising taxation per gallon of petrol.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Yes, or he can advocate a policy of raising taxation generally.

MR. BLUNDELL: No, never do that.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am delighted to hear the fact that the hon. Member for Rift Valley, and I suppose he spoke for the hon. Member for Uasin Gishu, is indeed already thinking of advocating extra taxation so that these services may be increased. I can assure him that if he will put that forward Government will seriously consider it.

The hon. Member for Finance is not confusing the issue, the hon. Member for Finance is pointing out the position that is arising, so that it is entirely wrong to talk as if we are not spending money on roads. Our annual commitment for capital expenditure on roads is £750,000, our recurrent is £670,000. The Road Authority may indeed have been able to spend even more than that, so, Sir, I feel that his argument of first things first in the face of those figures somewhat falls to the ground.

In any case, Sir, it is the duty of the Government to see that the economy is balanced and I suggest there can be no balanced economy without, as my hon. friend, the Director of Public Works, said, a first-class port at Mombasa and a first-class airport in the country. They are important factors in balancing the economy and although we all want more roads, more schools and more hospitals, we are indeed in the position of someone who has got to say, "What will I do with that, what will I spend it on?", and what is happening is that this Council is being asked to support the recommendation of the Planning Committee that Embakasi is one of the things that must be done, on which money must be spent.

Of course, Sir, from the point of view of the Treasury, the Treasury would have been quite pleased to have seen this

[The Member for Finance and Development] particular project postponed until the financial position was a little clearer. Nevertheless, from the time that I was given the responsibility of the Membership of Finance in January, 1952, I came very quickly to the realization that Embakasi was one of the things that could not be postponed. I hope that we shall be able to find sufficient additional loan money not to press too hard on the Planning Committee to sacrifice other projects by the inclusion of this particular project. There can be no guarantee of that, but we shall certainly try to do the best we can, but I say, Sir, as one who is, within the Government, responsible, with my colleagues, for the economy of the country, that I would place Embakasi almost at the top of the list of the things that are essential in the development of this country.

I have, Sir, nothing very much more to say on Embakasi, except to refer to a point not mentioned by any hon. Member in the debate, and that is the position of the Royal Air Force if Eastleigh is closed.

Now, Sir, I am disclosing no secrets when I say that one of the delaying factors in the whole of these negotiations has been the future of the Royal Air Force and the inability of the British Treasury to make more money available in their present very difficult situation for the transfer of certain facilities from Eastleigh to Embakasi. That was the stumbling block that I found when I went home to England in August to deal with this particular matter. The obvious thing is that if the landing facilities at Eastleigh are curtailed, the technical facilities for the maintenance of Royal Air Force aircraft and such things as hangars, etc., will become isolated from the aerodrome. I know my hon. friends, the Member for Nairobi South and the Member for Mount Kenya, will understand this very well, that if indeed you have service facilities at Eastleigh and your aircraft at Embakasi, the situation is a very difficult one.

We regard the Royal Air Force as a very welcome visitor and supporter to this country, and therefore we did what we could to meet them. I think I can say that we are in sight of a solution

by negotiation, but I mention this point because the solution may entail, if we wish to keep the Royal Air Force here as our guests and as a valuable support in times of trouble, it may entail us making some contribution towards the move over. I must warn hon. Members that that is indeed a possibility, and I would suggest that it is one that we should willingly face up to if it is necessary.

We would, of course, make sure, from the point of view of the Kenya Government, that any disposal of Royal Air Force land and buildings that had to take place as a result of the furtherance of this scheme, we would use what good offices we have to see the greatest value is obtained, but to the cost of change-over I think we may have to make some contribution.

I say, Sir, that when all the arguments are done, when all the difficulties are faced, and when the Treasury reluctantly sees a bill of another £1,500,000 to £1,750,000 placed on the table, with capital to be provided, it still says to this Council that Embakasi is an important and essential part of the development of this country and should be proceeded with.

MR. MATHU: I want to intervene very briefly in this debate and support the Motion which has been moved by my hon. friend the Member for Commerce and Industry.

If the Motion, Sir, was worded in such a way that we were faced with an alternative, either to carry on with the construction of the Embakasi airport, or to spend that same money in some other way, then I would have thought that my hon. friend the Member for Uasin Gishu would have got my very strong support in suggesting that that money should be expended on the construction and improvement of our roads. Unfortunately, that is not the Motion before the Council, but, as I say, if it were I think my hon. friend the Member for Uasin Gishu and myself, and many others, would convince this Council of the necessity of improving and constructing our network of trunk roads in the country to-day, making them usable throughout the year. It is a subject that I have taken up very strongly in this

[Mr. Mathu] Council many times. Those who are engaged in the Emergency to-day in the African areas would be the first to say "Give us better roads and we can see that the Emergency comes to an end more quickly", because the hindrance of movement in these areas, in wet weather in particular, is a very big thing, a delaying factor in the operation in the African areas in particular, but, as I say, I do not think that alternative is before the Council to-day, and I therefore support wholeheartedly the construction of the Embakasi airport.

I would like to suggest to the hon. Member for Uasin Gishu that, in view of what has been said by previous speakers in support of this Motion, whether he, too, would not change his mind and withdraw his opposition and come with us to give the Government a unanimous vote in this matter.

There is, Sir, one point before I sit down. My hon. friend the Director of Public Works did say that he can arrange things in such a way that we might reduce the time proposed, that is three to four years, to something less than that, but he was afraid he could not commit himself. He suggested that he would use prison labour, and use that, combined with machinery, to prepare the airport. I have always held that view. If we use prison labour wisely and intensively we can get on with the road of access straightaway, clearing, earth-moving and the quarrying of the stone that would be required for the construction, and I would like, Sir, to support the view put forward by my hon. friend that use of these prisoners should be made as extensively as possible in order to reduce the time necessary to complete the construction of the airport.

I do appreciate the points raised by previous speakers that if we have to cash in with the new developments of different types of machines coming in in 18 months, it is, I think, most advisable that the airport should be ready for the use of these machines when they come into use, and I think my hon. friend Mr. Cowie would also, I think, feel that his particular point of interest, that is the tourist traffic, would, I agree, bring

more in if that time coincides with the completion of our airport.

Mr. Speaker, I beg to support.

MR. BLUNDELL: The hon. Member for Finance has introduced, Sir, a subject into this debate that has not come forward before, and that is the position of the Royal Air Force at Eastleigh. I think, Sir, we must realize that if we build Embakasi we shall cause considerable inconvenience to that force. I believe I would be expressing the thoughts of all Members of Council on this side if I were to advise the hon. Member for Finance that we should wish any such change to be as harmonious as possible, and especially, naturally, within the terms of our own economic capacity.

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

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I think that hon. Members opposite and on this side have dealt with most of the points that have been raised in the Debate, in fact, I think one of the values of this Debate has been that there has been a real exchange of minds taking place during its course. I certainly have found it an encouraging debate. (Hear, hear.) It is a very encouraging thing these days to be debating something that is entirely constructive, and that has to do with the development and future of this country. I found the whole Debate encouraging.

I would like to attempt to deal with one or two points that have not yet been dealt with by my colleagues that were raised by my hon. friend, the Member for Uasin Gishu. As I said, I think, in moving, it is possible to have different opinions on this subject. I have the greatest respect for my hon. friend's views, and I have been aware of them for some time. I have the greatest respect for his approach to this matter, and of his analysis of the various factors affecting our decision as he sees it. Nevertheless, I thought my hon. friend, the Member for African Interests, Mr. Mathu, who spoke a moment ago, made a very good point when he said that the terms of this Motion do not commit my hon. friend or other hon. Members in respect of roads as against airports or

[The Member for Commerce and Industry]. The Motion seeks to implement the decision of the Planning Committee, which keeps under constant review the whole developmental picture of the country. I think my hon. friend, when he said at the beginning of his speech—I believe I am quoting him correctly—that he wished to obtain satisfaction on various points before he could withdraw his opposition to the Motion. Well, Sir, I believe that in terms of the Motion and in terms of the explanations which I am trying to give, and which my hon. friend, the Member for Finance, gave so ably, I believe that my hon. friend may be able to withdraw his opposition even if he still finds it difficult to express agreement in positive form.

He did raise a point that I will now try to answer, and which is a most important one. He asked the question as to what was happening in other places where they felt they had to provide facilities for modern aircraft. He asked whether I could give him a report of what was happening throughout the world. Well, Mr. Speaker, I cannot without notice give a report of the conditions throughout the world—(Laughter)—I do not believe that my hon. friend would expect me to know that. (Laughter.) What I can tell him is that most countries in Africa, at any rate, are finding it necessary and essential in their own interests to do what we are proposing to do at Embakasi. They have found it necessary to do it in Northern Rhodesia and Southern Rhodesia, and in the small hours of yesterday morning I found myself landing on the new aerodrome at Kharitum, which is being built to a standard roughly equivalent to that which we hope to build at Embakasi. Again, and my air travels are not perhaps as expensive or as extensive as my hon. friend's—(Laughter)—in other European countries, there, too, new construction has been necessary. What is noticeable is this, that these airports for modern aircraft are in fact built to a specification which, at any rate to the layman, appears to be very similar to the specification which my hon. friend, the Director for Public Works, described in his speech. I can give my hon. friend any further informa-

tion he wishes on this point when I have had time to look up facts, but I felt at any rate that I was in duty bound to try and answer as fully as possible at this stage.

Now, Sir, the question of time. This point has been dealt with very fully by Members who have spoken in this Debate. It is, of course, of vital importance, and I think my hon. friend, the Director, put his finger on the best possibility of obtaining correct timing by pointing out that construction could be planned along the lines suggested by my hon. friend, the Member for Mau, that the essential parts of the airfield might be finished before the rest and so be in time for the new planes. He also mentioned other possibilities.

My hon. friend, the Member for Mount Kenya, pointed out quite correctly that airfields, and indeed many other forms of construction, had been completed in incredibly short times during the war. Various Members have, however, referred to the cost of this project. There is obviously an optimum in the terms of construction related to the cost. Clearly, if the job is delayed too long, whatever it may be, it costs too much. If, on the other hand, without any question of expense, speed is the only factor, there again it costs too much. Sir, there is an optimum of speed of construction in relation to cost. I do not believe that my hon. friend, the Member for Mount Kenya, or any other Member of this Council could possibly advocate in our present financial position construction at the highest possible speed, ignoring the question of cost. (Hear, hear.) I do not want to labour this point, but I do feel that it should go in the record.

On the question of roads my hon. friend, the Member for Uasin Gishu, has often driven me over the roads of Kenya and Uganda and I have often driven him over the roads of Kenya and Uganda. I wonder if I am right in assuming that he said he was going to cut two hours from his time from Kijibabu to Nairobi—he usually drives me there in about three hours and five minutes—if he is going to do it in sixty-five minutes, however good the roads may be, then I congratulate him in advance because we may not see him again. (Loud laughter.)

[The Member for Commerce and Industry]

Mr. Speaker, I do not think I have missed material points that hon. Members have raised that my colleagues have not dealt with. I thank the hon. Members for what has been said in this Debate, and I feel it has served a most useful purpose.

I beg to move. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer in the Chair]

MR. COOKE: Could we be informed why Motions Nos. 8 and 9 on the Order Paper have been left out? I know it is really the Speaker to whom the point should have been made—

THE MEMBER FOR FINANCE AND DEVELOPMENT: Shall I answer that?

THE CHAIRMAN: Certainly

THE MEMBER FOR FINANCE AND DEVELOPMENT: No. 8 was kept out because we consider it would be wrong procedure, and Mr. Speaker has agreed, for this Motion to precede the Supplementary Estimates, so that it has been kept out until the Supplementary Estimates have been considered.

With regard to No. 9, Sir, it was felt that the procedure—that it must go into Committee of Ways and Means, because it was discussion of revenue. Therefore it was postponed until to-morrow.

MR. HAVELOCK: Would the hon. Member and the hon. Government Leader please consult with this side of the Council when these matters come to be considered?

THE MEMBER FOR FINANCE AND DEVELOPMENT: With all due respect, this is a decision of Mr. Speaker, because of procedure.

THE CHAIRMAN: Motion in the name of the Member for Finance and Development.

SCHEDULES OF ADDITIONAL PROVISION

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £479,904 be granted to the Governor on account for or towards defraying the charges for Schedules of Additional Provision, Nos. 10 and 11 of 1952.

Hon. Members will notice with some relief that the years are gradually advancing as this machine is wound up.

Question proposed.

Question put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 2 of 1953

THE CHAIRMAN: It will, I think, be for the convenience of the Mover and hon. Members in general if the Motion here is divided into the three parts, comprised within the Estimates.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £205,181 be granted to the Governor on account for or towards, defraying the charges for Supplementary Estimates of Expenditure, 1953 (No. 2 of 1953, Part I).

I presume that the usual procedure will be followed in reading the Heads out. I shall be delighted to try and answer questions if questions arise.

Question proposed.

THE CHAIRMAN: The Clerk will read the Heads one by one. If any hon. Member wishes to make any comment, will he rise speedily, as we are working against time and we hope to dispose of the various items referred to the Committee of Supply by half past twelve, if that is possible.

THE MEMBER FOR FINANCE AND DEVELOPMENT: May I suggest, Mr. Chairman, with all due respect, that the serial number be read out and the hon. Members can then follow it.

Serial No. 3

MR. MATHU: I have a question in regard to this proposal to appoint 30 European officers to man the sub-stations. Now my question is whether Government is considering appointing African

[Mr. Mathu]

assistants later, to work with these European temporary officers in these areas, because my feeling is that unless we have Africans of a very high standard to assist these officers in these areas, we might not achieve the results which we might have achieved with this very important African assistance to help them.

THE MEMBER FOR AFRICAN AFFAIRS: Consideration is being given to this matter as the situation develops and definite conclusions await the arrival of the officer who has been appointed to go into this matter—who you probably know—Colonel Morecombe.

MR. COOKE: The only doubt I have—it is more one of principle—is if these resistance groups are to be too well administered and disciplined they might lose a lot of their usefulness. They are much better as irregular people—if they become too regularized, I am afraid they will lose a lot of their usefulness.

Serial No. 13

MR. MATHU: Mr. Chairman, it is proposed to appoint two Provincial Information Officers, European, and two Provincial Assistant Information Officers, African. The question I want to ask. Sir is whether Government think that they can get suitable Africans with the salary that they put opposite their names, because I attach tremendous importance to these appointments. Unless we give them a good salary, you will not get the right men. I just want the Government's reaction to that, because I would not think you would get any man on £127 a year for the post which he would occupy. It is a very important position, particularly when I am not very satisfied with the Information Service as it is now.

THE CHIEF SECRETARY: Mr. Chairman, I would point out that the figure there represents provision for the balance of the year, after the expected time of appointment, and allowing for that the Government does think they can get suitable people. The proof of the pudding is, of course, in the eating, and if necessary, ideas may have to be revised, but the Government does think they can get suitable people and that is why that figure was put there. There may have been some misunderstanding—it is not provision for a whole year.

THE CHAIRMAN: That is the conclusion of Part I.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Might I, Sir, in order to make certain there is no misapprehension in the minds of hon. Members, point out, with your permission, that the Scale M.I., which was dealt with for African Assistant Information Officers, runs up to £405 a year, plus cost of living. I would not like any misapprehension.

MR. MATHU: If I may say, Sir, that is quite all right, but the most important thing is not the maximum of salary but the initial salary which attracts the right man.

THE CHAIRMAN: We have now dealt with all the items in Part I; they have been accepted without amendment. I will put the question.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE, 1953

(No. 2 of 1953, Part II)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £8,063 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure, 1953 (No. 2 of 1953, Part II).

Sir, in one word of explanation, Part II represents a Civil Contingencies Fund—payments which have been made on the authority of the Member for Finance, and this Vote is to reimburse departments in order that they can reimburse the Civil Contingencies Fund.

Serial No. 42

MR. COOKE: Mr. Chairman, there is a very extraordinary item—Sh. 172/80—Compensation to Superintendent Steenkamp for water lost through a faulty water connexion at a new Government bungalow. It must have been a mighty lot of water.

MR. BLUNDELL: Fifty thousand gallons.

MR. COOKE: He does not pay for it thought

THE SECRETARY TO THE TREASURY: Mr. Chairman, the Superintendent concerned had to pay for the water which was lost through a fault in a Government house. It was deemed reasonable that he should be compensated for the fault of Government. He actually has gained nothing, he has merely been reimbursed.

MR. BLUNDELL: Has the Director of Public Works been surcharged with this sum? Has any approach been made to him?

THE SECRETARY TO THE TREASURY: No, Sir, it is reasonable that breakdowns happen in all Government assets as in private assets. This was one of the accidents that do happen. There was no case to surcharge the Director of Public Works or any other public officer.

MR. COOKE: It was not an act of the King's—Queen's enemies?

THE SECRETARY TO THE TREASURY: Not as far as I know, Sir.

Serial No. 43

MR. BLUNDELL: I would like to ask whether the loan to Mr. J. Seroney was a loan on security or merely a straight loan.

THE SECRETARY TO THE TREASURY: There was no security on this loan.

THE CHAIRMAN: That disposes of the items in Part II which have been accepted without amendment.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE, 1953

(No. 2 of 1953, Part III)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £38,489 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure, 1953 (No. 2 of 1953, Part III).

This part of the Supplementary Estimates, Sir, deals with the Re-votes and the Treasury considers it right and proper that a system of this kind should be adopted so that Re-votes are placed

before the Council in a constitutional manner. I would like, if I might at this particular moment, to pay tribute to my hon. friend the Secretary to the Treasury, who has been responsible for the reshaping of the form in which the Supplementary Estimates have been presented. I think hon. Members will agree that they are an advance over any previous presentation and do enable us to see what is before us.

THE CHAIRMAN: That disposes of Part III. All items have been called and accepted without adverse comment.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE DEVELOPMENT AND RECONSTRUCTION AUTHORITY

(No. 2 of 1953)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £133,004 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure of the Development and Reconstruction Authority, 1953 (No. 2 of 1953, Part I).

Serial No. 2

MR. HAVELOCK: I beg to move that Serial No. 2 shall be deleted. Nine hundred and four pounds. I can see the explanation given in the Memorandum is that any buildings that have had sums contributed towards its construction in this Colony from the Colonial Development and Welfare Fund should have a plaque attached to them recognizing such help given from that Fund.

It seems to me a rather peculiar idea—whether it has been asked for by the British Government I would not know—but £904 is quite a considerable amount of money which could go towards a bore-hole, or half a mile of road, all sorts of things—there are all sorts of things it could be used for. We are very happy at the help which the British Government gives us in this way, but I am not, personally, quite certain that the method of the Colonial and Development Welfare Fund is the right method in which the British Government can help us, and show appreciation for what we do for

[Mr. Havelock] them. In fact, I would like to ask: "Will the British Government put up plaques to recognize the great aid they have received from Kenya in building up the dollar balances through Kenya's coffee and sisal, etc." I do suggest it is a little bit over the odds asking for £904—this rather peculiar suggestion—although I do not want to give any impression that we are not grateful for what the British Government has done. I do suggest it is rather a waste of money.

MR. HARRIS seconded.

Question proposed.

MR. HARRIS: I did speak to some of my colleagues on this matter and I did suggest that the wording on the plaques should read: "But for this plaque there would be another two boreholes in Kenya". However, I have had an opportunity of discussing the matter privately with the Member for Finance and I have accepted his explanation for the reasons of its inclusion in the Estimates.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I would like to point out that the Kenya Block Allocation amounts to £3,657,000 and we have in addition received considerable sums from the East African Regional Allocation. Just after my recent visit to London the Colonial Secretary announced that another half a million pounds would be given by way of assistance to this Colony and I suggest, Sir, that we need only 70 plaques to put into the 70 buildings concerned, and to have such an inscription on these buildings for which we have received such generous assistance—This building was erected from funds provided by Her Majesty's Government" or "by the Kenya Government and Her Majesty's Government" is a very small acknowledgment of such generous assistance.

MR. COOKE: If I may use the phraseology of the hon. Member for Nairobi South, I would say that "But for the gallantry of the British people, there would be no Kenya to-day".

MR. MACONOCHE-WELWOOD: I still support the Motion for deletion on the grounds that it either comes out of the Colonial Development and Welfare

Fund, this money, or it comes out of funds of this Colony. I have no doubt whatever that neither the taxpayer of the United Kingdom or of this Colony cares in the least whether the plaques are put up or not except in the sense that it is another £904 of taxation.

MR. USHER: I shall oppose the amendment. This is an expression of gratitude and gratitude has been described by a French cynic, Rochefoucauld, as a lively sense of favours to come! (Laughter.)

Quite apart from that, Sir, I feel that some tangible expression should really be given in this matter and I should be partly reconciled to the inclusion of this item if it can be made clear that our gratitude is not to the Government of the United Kingdom but to the United Kingdom taxpayer.

THE CHIEF SECRETARY: May I suggest, Sir, that having regard to the step-up of the total population of this country, that there are a number of people who, though they cannot read at present, may be able to read in the future and that looking to that future, it will be a lesson to them on the history of the growth of this Colony and the clay from which that place arose. I, therefore, oppose the deletion of the item.

GROUP-CAPT. BRIGGS: I would point out one thing. It has been suggested that the inscription on the plaques should refer to the United Kingdom income tax payer, but I would point out there are a very large number of people in the Colony who are also United Kingdom taxpayers.

THE MEMBER FOR FINANCE AND DEVELOPMENT: At the risk of a ripost from the hon. Member for Mombasa, I would say that some ten days ago I had the pleasure of sitting in the House of Commons at about a quarter to two on Thursday morning to hear the Right Hon. Sir Winston Churchill say: "Her Majesty's Government are the representatives of the taxpayers in this country elected by the taxpayers".

MR. HAVELOCK: If this is a worm to catch a big fish, as suggested by the hon. Member for Mombasa, it does make a difference but I do not personally think that the taxpayers of Britain would appreciate any plaque put up in that spirit.

[Mr. Havelock] I also believe quite honestly, Sir, that the British taxpayer and the British Government would prefer to see this money spent on something that is necessary to the welfare of the people.

I think the point that the hon. Chief Secretary made is probably the strongest that has been made in this debate, that the future inhabitants of this Colony will be able to see from where the civilization and the build-up of the Colony sprang and although I am not usually frightened of being in the minority, I will consent to withdraw the Motion.

THE CHAIRMAN: That concludes Part I.

The question was put and carried.

THE CHAIRMAN: I understand it is the wish of hon. Members that we revert to full Council at this stage. Business of the Committee will therefore be suspended and we will report progress and ask leave to sit again.

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

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: I beg to report that the Committee of the Supply has dealt with Order No. 10 and has approved of the Motion standing on the Order Paper. No. 11 on the Order Paper has also been approved and three Resolutions covering the three parts of that Motion have been approved. Would you wish that I read them out?

THE SPEAKER: The Clerk will read them out.

SIR CHARLES MORTIMER: Order No. 13 has been partially considered by the Committee but the Committee was unable to complete consideration and has passed a resolution to report progress and ask leave to sit again.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that this

Council does agree with the Committee in the said Resolution.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: May I have the leave of the Council to make a short statement. I am, I might say, the father of the Council in so far as continual service is concerned, and although that presupposes that one has many disadvantages to contend with, senility and so on, one does also on occasions obtain privileges arising from that status. To-day is one of the occasions on which I am very happy to take advantage of one of those privileges and that privilege is to be able to say something in regard to a Member who has sat in this Council for a very long time, and who, I understand, is possibly amongst us for the last time. I refer to the hon. Member for Trans Nzola.

Sir, on behalf of Members on this side of the Council I would like to say how much we regret his retirement, more especially because it has been caused to some extent by ill health, and how much we shall miss his familiar figure.

I have had the privilege of working with him on both sides of the Council for more than a decade. I know that he has always expressed his views—with which we do not always agree—with conviction. I also know that he is probably unusually consistent for a politician and for that, Sir, we hold him in great respect. (Applause.) But not only do we hold him in great respect—I do submit that those of us who have known him for a long time appreciate the fact that his personality has called for an unusual amount of affection from all his colleagues.

Sir, on behalf of Members on this side of the Council, we trust that his health will remain much improved, as we are glad to see it is for the time being, and that he will continue to take part in public life. We wish him the very best of good fortune in such other public work as he undertakes, and say how sorry we are to lose him from among our number here. (Applause.)

MR. BLUNDELL: Mr. Speaker, on behalf of the European Elected Members, I would like to associate ourselves fully with the remarks that the hon. Member for Agriculture and Natural Resources has made. I think all of us on this side of the Council in this particular group owe a tremendous amount to the hon. Member for Trans Nzoia over the past five years in the guidance and counsel he has given us. I, in particular, would not have the privilege of speaking as I am now if it had not been for the selflessness of the hon. Member in divesting himself of the responsibilities I now hold, at a time when he was in full measure of health and far more capable than I am of carrying them out. I think we shall all miss him. He used a phrase once in this Council—"stimulating criticism". That stimulation we shall miss.

I would merely like to record that unlike a certain Roman emperor who was *suaviter in modo; fortiter in re*, the hon. Member was *fortiter in re* as well as *suaviter in modo*. I hope that we shall be able to keep in touch with him for a long time ahead, as he has done us the honour of saying that he would still like to represent us on the Central Assembly.

MR. A. B. PATEL: On behalf of the Asian Elected Members I would like to say that we are very sorry that we shall lose the hon. Member for Trans Nzoia. There were many occasions when we were unable to see eye to eye with him on questions which we discussed in this Council but we never doubted the sincerity of his convictions and the straightforward manner in which he always expressed his views to this Council and we shall be very sorry that he will not be amongst us in the next Council.

Sir, I wish him a speedy recovery from ill health and we hope that we shall have the advantage of his services to the general public of this Colony in future.

MR. MATIU: Mr. Speaker, on behalf of the African Members I would like to associate myself with the remarks that have been made by the previous speakers on the subject of the retirement of my hon. friend the Member for Trans Nzoia.

Personally I think it is a view that is shared by the African Members that we

shall miss the frankness and bluntness of the hon. Member for Trans Nzoia. I like men who call a spade a spade and I think we are going to miss that. I say we are sorry we are going to lose that, but as other Members have indicated he will be, I think, in some other spheres and they will benefit from his advice, his stimulating criticism and, above all, his frankness and bluntness in expressing those views. (Applause.)

THE SPEAKER: I would like also on this occasion to place on record on behalf of myself and the officers of this Council—and the officers of this Council have been quite numerous during the past five years, I think I can speak on their behalf—and on behalf of the staff, too, and say that we wish to be associated with the remarks that have been made by my hon. friends the hon. Member for Agriculture and Natural Resources, the hon. Member for Rift Valley and the hon. Member for Central Area and the hon. Member for African Interests.

In addition, I would like to say on behalf of myself, that I deeply regret the passing of the hon. Member to another sphere—he is going to remain a Member of the Central Assembly—and how we shall miss him from here very much indeed, because I think the hon. Member has set through the past five years an exceedingly good example of Parliamentary conduct; he has always observed the ruling of the Chair without question—(laughter)—and he has always done it with the greatest possible good nature. He enlivened the debates during the time I have been here by that same function of humour and lightness of touch as well as great sincerity. I think we are losing a Member who has been a great credit to this Council.

MAJOR KEYSER: Mr. Speaker, hon. Members. I am very greatly touched, Sir, by the speeches that have been made by hon. Members. It has been made quite clear to me in those speeches that I possibly bare my thoughts when I speak! That might be unfortunate, but it is just a trait that I have, that I cannot help expressing.

Sir, during the time I have been on this Council we have had some lively debates and we have given and taken a very considerable number of knocks, but

[Major Keyser] ... it speaks very well for the spirit of this Council that we are able to give and take these knocks—and yet be on the friendliest terms outside.

I shall take with me, Sir, the pleasantest memories of this Council and particularly, Sir, of the kind and firm way in which you have presided over our deliberations which at times have inclined to be a little bit turbulent.

I pray, Sir, that your deliberations will lead to a speedy termination of the tragic conditions which prevail to-day in this Colony and that they will also lead to the restoration of the excellent relations that I hope will prevail between all races in this Colony.

Sir, I wish you all the very best of luck for the future.

ADJOURNMENT

MR. SPEAKER: The Council will now stand adjourned until 9.30 a.m. to-morrow morning.

Council rose at fifty-five minutes past Twelve o'clock p.m.

Thursday, 14th May, 1952

The Council met at thirty minutes past Nine o'clock.

[Mr. Speaker in the Chair.]

PRAYERS

QUESTION No. 88

MR. BLUNDELL:

Will Government state the profit made by Maize Control in the course of its operations in the crop year ended 31st July, 1952?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The profit of the Maize Control, subject to audit, for the year ended 31st July, 1952, is £143,613. Against this figure it is necessary to set off a sum of £130,260 representing the amount not recovered from consumers as at 31st July, 1952, in respect of the increase of Sh. 3/80 per bag in the price of maize on the 1950 planted crop which is already sold at the date of the increase in consequence of the recommendations of the Troup Commission, which increase was made retrospective. This results in a balance of £13,553 from which a further sum of £6,097 must also be deducted, being the unrecovered amount of excess costs of road transport incurred in 1950-51 in view of urgent famine requirements and the large export programme. Therefore the net balance carried forward as at 31st July, 1952, will be £7,256 only.

MR. COOKE: On a point of order, Sir, that question and answer was Greek to most of us. There has been no Question No. 88 circulated on any Order Paper...

THE SPEAKER: I understand a Supplementary Order Paper has been issued. If the hon. Member has not got a copy, I cannot understand how it happened. But considering that it looks as if this is the last day, these Questions just managed to get in.

MR. BLUNDELL: Arising out of that answer will the hon. Member tell me whether in the figures quoted for the profits of the Maize Control during the period under review, there is any figure that has been added from the profits of the overseas sales. If the hon. Member is unable to answer, Sir, I will supply him with this question during the break.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I was also caught somewhat unawares with this question this morning and I have not come prepared with details. I would not like to answer that question, Sir, without being quite certain of the accuracy of my reply.

MR. BLUNDELL: Mr. Speaker, I am quite happy to accept that answer. The second Supplementary I wish to ask is this, is it the policy of the hon. Member to use the profits accumulated from the Maize Control for the establishment of storage, and if not, when did that policy cease?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir, I might reply perhaps in this way: it is not our policy to make profits at all, but one has to have a margin to be on the safe side, and those margins have been used during the war years and since, I think, for about two or three years in creating further storage capacity. Now the storage capacity when we started, if I remember rightly, was about 300,000 bags and it is now over 1,250,000. Anyway, it is not our policy to increase this form of storage from now onwards.

MR. BLUNDELL: I have reason to believe, Sir, that the Maize Controller has not got the clearest indication of the hon. Member's policy. I would like to ask him to make quite certain that the Maize Controller does not use the profits of the maize to increase storage from now on.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I will go into this matter.

MR. COOKE: Will the hon. Member use those profits to reduce the price of maize for the consumer?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: That is always in our minds, but perhaps the hon. Member is not aware that it takes £120,000 at least to reduce the price of *posho* by one cent per pound.

QUESTION No. 89

MR. BLUNDELL:

Will Government state the amount at present standing to the credit of the Jute Equalization Fund?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The total amount of cash and outstanding credits due to the Jute Control on 30th April was £72,850.

MR. BLUNDELL: Arising out of that answer, I should like to ask the hon. Member the following Supplementary; no doubt due to the heavy stocks in hand, the credit balance is reduced because it is held in the form of assets—i.e. stocks. There will come a time when the Jute Control is wound up and I would like to ask the hon. Member that when that time occurs will he use the funds that will then have accumulated from the realization of stock for reducing the price of *posho* to the consumer?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, Sir, in so far as the Jute Control is, to some extent, an interterritorial arrangement as the hon. Member is aware and as far as the Kenya Government is concerned, when the Jute Control is wound up, if there is an amount outstanding to the credit, it will be used for *posho* prices in some way as the hon. Member suggested.

MR. BLUNDELL: Mr. Speaker, I have one other Supplementary. I do not wish to surmise the hon. Member unduly. Would he tell us whether in his view it would be possible from the amount standing to the credit of Jute Control at the moment, to make any substantial reduction in the price of bags to the producer?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid I cannot give a reply to that at the moment, Sir. The matter is under consideration and we are waiting for an answer from one of the neighbouring territories on that subject.

MR. BLUNDELL: Mr. Speaker, may I ask Question No. 105?

THE SPEAKER: It will come on afterwards as the hon. Member is absent.

QUESTION No. 101

MR. COOKE:

Will the Chief Secretary state the position of those serving in the Kenya Police Reserve with regard to—

Compensation for accidents?
Wound pensions?
Widows' and Orphans' Pensions?

THE MEMBER FOR FINANCE AND DEVELOPMENT: Under the provisions of section 12 of the Kenya Police Reserve Ordinance (Cap. 76) the Governor in Council may award a reserve police officer such compensation, gratuity or pension as to him may seem just in respect of permanent or temporary disablement attributable to wounds or injury received or sickness contracted in the course of duty.

It is also provided under this section that if a Kenya police reserve officer is killed in the performance of his duty the Governor in Council may grant to his dependants a pension or allowance.

QUESTION No. 105

MR. BLUNDELL: (In the absence of MAJOR KEYSER):

Is the Member for Commerce and Industry aware of the inadequate fire-fighting apparatus at the Kitale aerodrome?

(a) If the answer is in the negative would he please institute inquiries immediately in order that the true position may be ascertained at a frequently used aerodrome?

(b) If the answer is in the affirmative would he please state why such a state of unpreparedness is allowed to continue and when it is proposed to provide adequate fire-fighting equipment?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am not aware that the fire-fighting apparatus provided for the Kitale aerodrome is inadequate. I am grateful to the hon. Member for raising the matter and I am instituting immediate inquiries.

MR. BLUNDELL: Arising out of that answer, Mr. Speaker, if after the inquiry is made by the hon. Member the result is little (a) or little (b) on the Order Paper, could we have the appropriate answer?

THE MEMBER FOR COMMERCE AND INDUSTRY: I cannot anticipate the result of the inquiry.

THE SPEAKER: Hon. Members will observe that on the Order Paper there is an Order No. 6—"Consideration of the Supplementary Estimates of Expenditure of the Colony and Protectorate of

Kenya (No. 3 of 1953)". It is proposed, as that includes certain items which are connected with the Motion No. 14 on the Order Paper, to take it after the Motion No. 14 has been taken in Council. The Council is now going into Committee of Supply for Order 5 and 7 and possibly, if you wish, on Order No. 8 and then after those, unless you wish to have a debate in Council on Order No. 8, I am not aware—

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I would like to suggest that it would be a much better method of procedure, with your permission, if we conducted the main debate, No. 8, in Council.

THE SPEAKER: I have no objection. If we go into the Committee of Supply to take 5, 7 and 8 and then report back and after, we take the Ways and Means.

THE MEMBER FOR FINANCE AND DEVELOPMENT: No, Sir, with your permission, I suggested that we should take No. 8 in Council, on the Motion that Mr. Speaker do now leave the Chair.

THE SPEAKER: It is entirely for you to decide. I heard this morning that there was some doubt as to whether you wished to take No. 8 in Council. In that case, if you go into the Committee of Supply on Nos. 5 and 7, I will leave the Chair.

The Speaker left the Chair.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

(Sir Charles Mortimer in the Chair)

SUPPLEMENTARY ESTIMATES OF EXPENDITURE D.A.R.A. (No. 2 of 1953—PART II)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move:

BE IT RESOLVED that a sum not exceeding £400 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure of the Development and Reconstruction Authority, 1953 (No. 2 of 1953, Part II).

Sir, as I explained on the other part of the Supplementary Estimate procedure,

[The Member for Finance and Development] is for replenishment of the Civil Contingencies Fund.

Question proposed.

THE CHAIRMAN: There is only one serial number under this Part, item 11.

Question put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE (No. 2 of 1953—PART III)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move;

BE IT RESOLVED that a sum not exceeding £8,512 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure of the Development and Reconstruction Authority, 1953 (No. 2 of 1953, Part III).

I would like again, Sir, to call the attention of hon. Members to the fact that this is the method now adopted for dealing with re-votes.

Question proposed.

Question put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE No. 4 of 1953

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move

BE IT RESOLVED that a sum not exceeding £1,098 be granted to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure, 1953, No. 4 of 1953.

Question proposed.

THE CHAIRMAN: Hon. Members have the paper before them, the Vote and sub-head is 5-2 and 50, non-recurrent.

Question put and carried.

TIM CHAIRMAN: That concludes the items submitted to the Committee at this stage and the Committee will suspend and go back to full Council.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee doth report its agreement with the Resolutions on the Order Paper.

Question proposed.

Question put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER (Chairman of Committees): I beg to report that the Committee of Supply has considered the Resolutions under Orders No. 5 and 7 and has expressed its approval with the said Resolutions.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that this Council doth agree with the Committee in the said Resolutions.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

Question put and carried.

£1,000,000 EMERGENCY EXPENDITURE

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

Sir, as hon. Members are well aware, this procedure is being adopted in order to give us a chance to debate in Council the Resolution that the Committee of Supply will be called upon, I hope, to approve at the Committee stage, that be it resolved that a sum of £1,000,000 be allocated to meet expenditure arising from the State of Emergency.

Mr. Speaker, the first £750,000 allocated to the Emergency expenditure was moved on the 5th December, 1952, and was taken from the 1952 anticipated surplus, then anticipated at, I think, speaking from memory, of £1,333,333. The second £750,000 was moved on the 15th January, 1953, and, now, Sir, I am moving a request for the third instalment, this time of £1,000,000. For the details of what has been actually spent and what has been authorized, I would refer hon. Members to the Paper which I laid on the Statement of Authorized and Actual Expenditure on the Emergency. They will see from that that actual expenditure from 21st October, 1952, to the 28th February, 1953, over all heads amounts to some £487,710. The authorized expenditure, however, from the 21st October, 1952, to the 31st June, 1953, stands at £1,748,206. In other words, the Treasury authorization for Emergency expenditure has already passed the £1,500,000 authorized and granted by this Council. The present £1,000,000 will, therefore, leave us a

[The Member for Finance and Development] margin of some £750,000 and, should it be granted, enable the Emergency Fund to carry on until August or September.

I have no need to stress to hon. Members of this Council the convenience as well as the risks of the Emergency Expenditure Fund which enables the Treasury to loosen control in so far as a great deal of operational expenditure is concerned. As I have pointed out before, the loosening of that control also contains a great risk inasmuch as there is bound to be, under those circumstances, expenditure incurred which the Treasury would normally regard as wasteful and would be very strict about. It is, therefore, possible that this £1,000,000 will, as I have said, carry us till August or perhaps September of this year. It is, of course, possible, Sir, that not all the expenditure authorized will be incurred. On the other hand the cost of transport of the Devons and the Buffs from the United Kingdom to Kenya is still to be met and is not included in the total expenditure authorized.

I do not propose, Sir, to go into great detail on the actual Emergency expenditure, but I will, Sir, endeavour to answer any questions that Members ask, although if they ask in too much detail I shall have to suggest giving them details in writing at a later date, since it is obviously impossible to carry all the detail in one's head. Members will probably be interested to know that the Kenya Regiment is at the present moment costing about £31,000 per month, of which £20,000 is spent in personal emoluments. £83,196 has been paid to Her Majesty's Government for the air lift of the Lancashire Fusiliers to this Colony. The sum of £25,000 has been recommended by the Compensation Committee which was set up after the statement that Government made in this Council for compensation.

The Police Department's present estimated rate of expenditure is about £100,000 per month, personal emoluments absorbing about £52,000, travelling expenses about £50,000 per month. Full-time Kenya Police Reserve salaries cost about £21,500 per month, part-time Kenya Police Reserve salaries about £25,000 per month, Special Police £4,125

and farm guards, the Government contribution thereto, about £1,235 per month. The principal items under travelling expenses are hire of lorries, etc., about £12,000 per month, air charters £10,000 per month, claims for travelling in private vehicles £15,000 per month.

Now the Treasury has drawn the attention of the people concerned to what it considers to be the high cost, and is endeavouring, without interfering with the operation, to find a method of reducing that rather high rate of expenditure.

There is, of course, considerable expenditure under the Police capital account, for wireless sets, equipment, transport, building and defensive measures in connexion with police stations and camps.

The increase in the Prisons Department expenditure—and I am taking it for granted that hon. Members have the detailed paper in front of them—the cause of that increase is obvious.

The Public Works Department—the biggest items are £12,600 for works at Athi River Camp, taking over from the Military some £17,167 for military camps, £13,800 for the court house and other buildings and measures at Githunguri.

Now, Sir, I think Members will possibly be interested if I give now a few details of the Colony's financial position. I have now received the accounts for 1952 with actual figures. Our revenue for 1952 was £20,548,149 8 sh. 80 cts., our expenditure was £18,858,620 19 sh. 65 cts. Now, that expenditure included £750,000 placed to the Emergency Fund. It included £250,000 placed to the Civil Contingencies Fund. I think Members will be pleased to know that, after allowing for those two payments, over £1,689,521 remained. Our revenue balance at 31st December, 1952, after taking into account some £40,000 for appreciation of investments, was, therefore, £8,961,773, which was higher than the revenue balance, hoped for in the Budget speech, to be reached by December 31st, 1953.

Those figures are good, Sir, but I think they do once again underline the plea that I made in the Budget speech that an economic research division, and the building up of a statistical division in the Treasury is important, because the Colony cannot afford a miscalculation of that kind which, for so many years past,

[The Member for Finance and Development] has been on what might be called the right side, but might well in the troublesome times ahead be the other way round.

Now, against that surplus balance, Members must remember that with this £1,000,000 our estimated expenditure for 1953, allowing for the Supplementary Estimates just passed, will have risen to £21,788,000 as against the original estimate of £18,865,000. In other words, we have already budgeted for £3,000,000 extra expenditure in 1953 and we started with an estimated surplus, and I can assure hon. Members that I had taken what might be called a reasonable risk in lifting the income figures higher, we started with a surplus of only £100,000 roughly. We have already authorized expenditure of some £3,000,000 in excess of that, so that whilst the surplus balance figure which I have just announced looks particularly healthy, we must remember that if the Emergency continues, we shall probably be faced, before the end of 1953, with a request for another £1,000,000 for Emergency expenditure. We may well be faced at the end of the operation with a deficit of £3,500,000. I hope it will not be as much as that, but that £3,500,000 will, of course, have to be met either by additional taxation or by a withdrawal from our surplus balances. As I have stated in this Council before, I do not consider it wise at the present moment to come with an Interim Budget for the raising of taxation and it will, therefore, mean an eating into our surplus balances to that amount.

Council is well aware that I have been trying during the past year to move to a system which, through the economic research division and through improvement in accounting methods generally, will enable me to place periodically during the year before this Council progressive figures of actual expenditure and actual revenue, and the officers of the Treasury have been working very hard on this.

Now, Sir, I can give the actual figures for the first three months of 1952 to the 31st March, 1952. The Colony's revenue for that three months was £5,156,998. The actual expenditure was £4,083,034, meaning that in the operations of 1952, the first quarter of the year, we had accumulated a surplus of £1,073,964, that was the 1952 position.

Now, Sir, I will try and give Members, as near as I can, a comparable position for the first three months of 1953. For the first three months of 1953, ending on the 31st March, the estimated revenue—and I must remind Members that because of the present system it is only estimated, we hope it will prove to be reasonably accurate—was £5,081,000 which meant a drop of some £70,000 in the revenue in the first three months as against 1952. Our expenditure was £4,966,000 which included the first Emergency Vote for 1953 of £750,000, and covering that it has left us with a surplus over the first three months of £115,000. Of course, Members will appreciate that the largest proportion of our revenue collection takes place, of course, in the first half of the year, but, Sir, from the figures that I have given I think it can well be said that so far the Colony's economy has borne the strain well.

It is impossible to tell with our still imperfect machinery for the collection of economic data and statistics what actual effects and trade trends are. There are various opinions, but opinions that are very often covered by personal experience and not by the overall figure from which the picture can really be drawn, but I would say at this stage that there is no ground in this Colony for either excessive pessimism or undue optimism. The need for the economic use of our funds is obvious and I do appeal to every citizen in this country, inside Government and outside Government, to realize that we are engaged not only in a physical battle but in an economic battle and that wasteful expenditure by any citizen will only make the path back to normal conditions a little longer and a little rougher, and will increase the burden that the taxpayer will have to meet.

I am convinced, Sir, that we can win the economic battle, just as we are going to win the physical battle. The rate of capital investment in this Colony is showing signs of returning to a good level. In London the Member for Commerce and Industry and myself only ten days ago saw this faith and this confidence expressed in hard cash, and during his visit to Italy the hon. Member for Commerce and Industry has seen the same result, people who are prepared to back their confidence in the future of our country

[The Member for Finance and Development] with hard cash. There are other signs, such as the proposed cement works at Sultan Hamud, which indicate the confidence, the intention and the willingness of the outside investor to proceed with investment in this Colony, and his readiness to back that intention and that confidence with hard cash. I do not wish, Sir, to underrate the economic and financial task before us, but with co-operation in this Council and a realization by every citizen that every penny of expenditure must be directed towards vital and telling purposes, I am confident that there is a great future of economic prosperity before our country as our present difficulties pass away.

Sir, I beg to move.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

MR. BLUNDELL: Mr. Speaker, I should like to congratulate the hon. Member for Finance for the extremely clear, straightforward and lucid way in which he has put the financial position of the country during the Emergency before us.

Secondly, I would like to record that I believe that on an occasion such as this, it would be advisable if the hon. Chief Secretary were to take the opportunity of placing before the country the clear-cut policy of Government in dealing with the Emergency. That would not only establish confidence in Government strongly, but would enable the country and this Council to know the lines on which hon. Members opposite were determined to proceed in dealing with the problems before us. I regret that no approach was made to this side of the Council, suggesting that after the hon. Member for Finance had opened, the hon. Chief Secretary should have come forward and given us that policy.

That is partly due to the system under which we work. It is extremely difficult for hon. Members opposite to have a clear-cut incisive policy because so much lies without their own decisions and has to be referred elsewhere, and I would like to record our opinion that from the beginning of this Emergency the hands of hon. Members opposite have been tied and decisions made more difficult for

them because of the necessity for this constant reference overseas, and that also, rising out of that, it is inevitable that the Emergency will cost us more than it need have done, because of the long delays that have sometimes taken place before decisions on vital matters could be implemented.

Hon. Members on this side of the Council do not intend, I hope, to criticize unduly hon. Members opposite because we understand the difficulty in this respect under which they are suffering. Nevertheless, it is wise to record that, in our opinion, we have suffered a severe handicap from the very tight control which the Parliamentary system of government in Great Britain imposes upon us.

Sir, in the absence of a presentation of policy from hon. Members opposite, in order to speed up the prosecution of the Emergency and remove it from our midst as soon as possible, I intend to put forward the views of my colleagues on this side of the Council, so that the Council may know, and the country may know, the policy we consider should be embarked upon to relieve the burden, the financial burden on us as soon as possible.

It is necessary we should have the maximum speed in eliminating the Emergency. That was brought out by the speech of the hon. Member for Finance, who has clearly put before us how the Emergency is eating into our reserves. In order to do that we need very considerably more decision and more urgency itself amongst the whole of the officers in dealing with the Emergency.

I would like to give two instances; I do not believe there is enough speed in the changes among officers in the field, who by reason of their training or temperament, are not suited to the added burden and decisions of the Emergency, or as it is inevitable in matters of this sort, have become worn down by the daily strains and burdens of the Emergency. We should like to see very much swifter decision in the replacement of officers who are obviously either suffering from fatigue, or who, through no fault of their own, are perhaps not of the character or the training necessary to deal with what is in effect in many districts, conditions of war.

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Secondly, I do not believe there is the follow-up at district and provincial levels amongst many officers of the directives that are issued at the top. I could give an instance; we evacuated some time early in January a large Kikuyu population stretching from Wanjohi Valley right across to the South Kinangop. It is my information that only quite recently—many weeks later—has any real attempt been made to destroy the houses and huts which were evacuated. Those houses and huts have provided shelter for gangs in the Aberdare forests. I would like to have thought that the moment that evacuation was made, there would have been a ruthless drive and determination to destroy all methods of support and succour for the terrorists behind that evacuation. I do not think that took place. I only mention it to-day to show, to give an illustration.

I think I am speaking unanimously for Members in our group when I say we consider we need still more urgency and still more decision in prosecuting this Emergency. There was a case at Nanyuki where women who were supplying the terrorists with food were fined Sh. 15. Such a situation must really make hon. Members on this side of the Council wonder whether hon. Members opposite have really got their hearts and their determination in this business.

Now, Sir, to-day we must accept an element of responsibility for this affair because all hon. Members on this side of the Council can be associated with the Government in the prosecution of the Emergency, either through the form of Emergency Committees at all levels, or in the form of the Emergency Council—I am fully cognizant of that when speaking—but I must also record that of necessity, by reason of the system under which we work, our position in all those avenues, committees or council, is entirely one that it advisory and not executive, and therefore ultimately responsibility for carrying out decisions, as I have said, urgently and decisively, must rest with the executive and cannot be removed from them.

The sort of things that we would like to hear to-day, arising out of this

Vote for £1,000,000, in order to show the Government's determination that the cost of this Emergency, reflected in this Vote, will be removed, are matters such as these; we all owe—and I would like to record it—a considerable debt of gratitude to the police. (Applause.)

The police have come under very strong and severe criticism. I believe that people do not understand the immense expansion that has taken place in the police, and indeed the burden that has fallen upon them. Again, I do not think people fully realize how, had it not been for the way in which the police force, which was fundamentally trained by fifty years of peace for peace, had taken up the strain forced upon it and protected many citizens from the disruption of law and order taking place around us, we should have suffered still more disasters. Nevertheless, our police need strengthening. We should like to hear from the hon. Members opposite that they are seeking to effect that strengthening. It needs that strengthening in two respects. Undoubtedly, as a development of the forces under the control of the Commissioner, he needs a far wider and bigger staff than he has now got in order to carry out effectively his responsibilities and his decisions; we should like to know what is being done about that.

Secondly, by reason of the expansion of and the absorption into the police force of younger men and many recruits, we undoubtedly need to strengthen it with officers of proved experience at both provincial and district levels. Again, what steps are being taken to build up that strengthening at those levels? Because the finest divisional commander in the world can effect nothing if his battalion commanders are incapable of commanding his battalions; and the finest police force in the world is useless unless he has got these key men at suitable points throughout the force.

Lastly, Sir, we should like to know in regard to the police—and the country wants to know this badly—what steps are being taken to recruit additional men into the police force, possibly on contract terms, so that the ordinary citizens can be released as soon as possible to go back to their normal duties. I would like to record something very forcibly. I do not believe we shall get those men by

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putting an advertisement in the newspapers: "The Crown Agents invite applications for the post of Assistant Inspector—£350 by £10 by £10", or whatever it is. I believe we have got to get a colourful personality from this country to go to the country from which we wish to recruit, with a view to speeding up the matter in those countries himself, rather than rely on this rather opaque and anæmic advertisement placed by the Crown Agents in various newspapers.

Before I leave the police, I would like to ask the hon. Chief Secretary if, when speaking he would give to the country and to this Council the position in regard to the death penalty for the carrying of arms. That death penalty has been in existence for some time, we have had quite a number of persons apprehended carrying arms since the enactment of this Emergency Regulation, we should like to know whether any yet have suffered that penalty.

Sir, in stressing, as I do, the vital necessity for speeding up these matters, for really galvanizing ourselves to get rid of the Emergency as quickly as possible, I should like to point out the great strain that it must place on a multi-racial society in the normal passing and meeting together of its citizens. The longer the Emergency continues, the more difficult it will be to establish harmonious relations in our extremely varied community. That is, in my opinion, one of the most serious features of the Emergency to-day and one of the most vital reasons for eliminating it; it does indeed become a fissiparous element in our midst rather than moulding us together.

Further, Sir, there is a real danger that the longer this Emergency goes on that the landslide to barbarism which is reflected in *Mau Mau* may spread and go elsewhere. That is not something that any of us can afford, nor contemplate with equanimity. I therefore advocate, Sir, additional measures, in order to eliminate the Emergency and restore the country to its former condition.

We believe that it is essential to produce a form of summary justice. There is much confusion in the country about summary justice. We do not mean by that

the right to dispose of a man's life out of hand; what we mean by that is this. Out of the present system and with a number of cases coming forward and with such incidents as the Lari Massacre, the whole of the judicial system is completely clogged up. Not only have we not got magistrates and judges to carry out the existing system, but we are stopping right throughout our judicial system much of the normal process of the law, because of the demands we are making on the judiciary in carrying out such trials as those arising out of the Lari Massacre. Again, I believe I am right in saying there are something like 2,000 prisoners on remand in Embu, all of whom have been apprehended for *Mau Mau* offences, all of whom should be dealt with as expeditiously as possible. I do not believe the existing processes of the law will do that. One most essential thing is to find a system which, while still preserving the fundamentals of British justice, will enable those fundamentals to be carried out as soon as possible. There is an additional reason, Sir; hon. Members opposite have consistently said that this rebellion will only be solved by the Kikuyu people themselves, by the Resistance members in the Kikuyu country overcoming the rebels. The greatest assistance that we can give to the Resistance movement is the confident knowledge that when a dire and evil enemy of theirs is apprehended he will immediately receive justice and will not possibly return to murder, decapitate or commit upon them other bestialities which have been done in the past. If we are going to draw out from the Resistance movement the maximum effort that it can offer, it is essential to prove to them that the support of Government means that their enemies are removed.

Secondly, Sir, we need to be quite clear in our minds, we should welcome from hon. Members opposite—not so much because of the efficacy of the measures but as an interpretation of their own opinions—we should welcome from them a clear-cut statement that those who commit *Mau Mau* offences are indeed committing an act of rebellion, and from that, Sir, it would follow—we should like to see it implemented and I believe it would be the wish of many of the Resistance leaders themselves—that those who have

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committed acts of rebellion should be proceeded against under clause 69 of the Native Lands Trust Ordinance, which allows for the forfeiture of their land, and that that land once forfeited should not revert to the Crown but should be used and disposed of for the creation of valuable holdings on proper lines, which subsequently can be apportioned to those who have stood firmly behind Government during the Emergency. Now there is a precedent for all this; we are apt to forget in 1953, or rather we are apt to think in 1953 that we are far removed from our own barbaric past. This was a common practice at a time when we would not have had the same difficulties in dealing with the *Mau Mau*—a time about the fourteenth century. I am perfectly certain that the hon. Member for Usain Gishu who has a long history of Scottish tradition behind him, would support me in those remarks.

I think, Sir, it would be right at this moment for all hon. Members of this Council—and I hope they will forgive me if I suggest that I do it in this speech—if we were to send a message of support and good wishes to the outstanding Kikuyu Resistance leaders; in particular I am thinking of such chiefs as Muhoya and Eliud. This country owes a debt of gratitude to them and this might be a suitable moment in which to record it. (Applause.)

Sir, when I was listening to the hon. Member for Finance I felt, as he unfolded before us the satisfactory state of the country's finances, that not only were we going to be able to pay for the Emergency, as it were, out of hand, but that he was even contemplating a reduction in taxation in the Budget year 1953-1954! It was only when he began further to develop his arguments, pointing out the great rise in recurrent expenditure, that I began to wonder whether my early hope would be justified. I would like to suggest this to him, Sir. Listening to him I thought he probably intended, if he possibly could, to pay for the Emergency and the additional expenditure which has fallen upon us, purely Emergency expenditure and not the recurrent expenditure such as the permanent increase in the police. I detect that he intends to pay for that, if he possibly can, by drawing from

the surplus balances. I think, if that is his intention, that when he replies it would give this country a great feeling of confidence and remove from many people's minds doubts about the taxation structure of the future, if he could make his intentions in that respect quite clear.

Lastly, Sir, I have not attempted when speaking to the Motion, to deal in great detail with any matter. I believe that where we are going wrong is in our outlook on the *Mau Mau* movement. I believe we are far too inclined to consider the *Mau Mau* movement as something in which a people have gone temporarily wrong. I do not think we can cure it by that attitude, I do not think we can cure it by that sort of thought, by giving the *Mau Mau* leaders a pat on the head and telling them not to do it again. The truth of the matter is that up to date they have been nearly always one step ahead of us. After the Lari Massacre there was a period of four weeks of waiting. Again, in a previous incident before that, there was another long period. In each of those periods they have been building up and developing new tactics. After the Lari Massacre—we have now got systematic gang grouping together of upwards of 200 to 500 people. I am certain we are moving to a critical phase in which the enemy is still probably a step ahead of us. Now, I do not believe we are to get ahead of him without eliminating, as I have said earlier, our inability to make decisions here on the spot and without also completely overthrowing any idea that "We don't want to hurt you, but by jingo, if we do". The truth of the matter is that the *Mau Mau* movement has one single object; it is to overthrow, as I said in July of last year, the Government of this country. Let us make no mistake about that, Mr. Speaker, and we shall not divert them from that purpose unless we have the absolute intention in every hon. Member opposite—who have the executive powers—to hit, and when they hit, to hit hard.

GROUP-CAPT. BRIGGS: I warmly support what the Member for Rift Valley said. There are one or two points I would like to add. My personal belief is that the menace of *Mau Mau* has been seriously underestimated from the very early stages, and it is still my belief that it is still underestimated. I think it is a fact that has got to be accepted and faced up

[Group-Captain Briggs]

to and measures adopted to meet the situation. One of the great difficulties to my mind standing in the way of dealing with *Mau Mau* effectively is the fact that we are in a state of half-war, and that involves us in all sorts of legal difficulties which handicap the security forces in every possible way. I will refer to one or two things.

Now, for instance, the Kenya Police Reserve Air Wing aircraft—they have been doing most magnificent work in the Aberdare areas, bombing hideouts and one thing and another—at one time they were allowed to carry bombs. Now, owing to some legal difficulties or difficulties in connexion with insurance, they are no longer allowed to carry them. All they can do is to report the hideouts, and the Royal Air Force aircraft have to be sent out to do the actual bombing. The "Harvard" aircraft undoubtedly have done excellent work, but it is not as effective as if the Kenya Police Reserve could carry bombs as well and use them when the opportunity arises.

The hon. Member for Rift Valley has already referred to the large number of prisoners held in the Nyeri and Emba areas. I think the total figure, in point of fact, is in the neighbourhood of 4,700, all awaiting trial. Now, if you put it to Government, is it not possible to face realistically and treat those prisoners as prisoners of war, and put them into one large prisoner-of-war camp at some other part of the country where they can be more easily guarded, and thus free the security forces for their proper function of attacking *Mau Mau*.

Mr. Speaker, on the last occasion on which a large supplementary estimate was debated—I think it was last January—I stressed that in my opinion the expenditure of a large sum of money immediately to get the Emergency over as quickly as possible would be a wise proceeding, and the longer the Emergency was allowed to run on, not only would the economic position of the country be worsened but the total amount of expenditure be inevitably more in the end. What I said then I still say now. But I would say this, that the hon. Member for Finance at that particular time rather got the impression from my remarks that I was suggesting that the hon. Member

or his Department had been parsimonious in dealing with the matters connected with the Emergency. I would like to make it very plain that no ideas of that kind were in my mind; in fact I will say that to my personal knowledge the hon. Member and the Treasury have made extremely bold and swift decisions, in order to deal with matters which have arisen in connexion with the Emergency. (Hear, hear.) It gives me pleasure to say this because I have never been backward in attacking the Government when I felt it was my duty to do so, but I do wish to give credit where credit is due. Nevertheless, Mr. Speaker, the fact remains that failure to deal with *Mau Mau* in the early stages, over the past few years, have led to this very large expenditure of money, and I wish to give notice to Government on behalf of my colleagues and myself that it is our intention at the appropriate time to move a Motion in this Council calling for the setting up of an inquiry, with a view to affixing the responsibility for the failure of individuals to either give or accept warnings of the growth of *Mau Mau* in the early stages. (Hear, hear.) It is felt that the present is not the right moment for such an inquiry to take place. All members connected with dealing with the Emergency are overstressed, and although we firmly believe that such an inquiry is necessary we do not think that now is the right time for it to take place. I would stress, moreover, that the object of the inquiry would be mainly so that lessons may be learned from the mistakes of the past to avoid the pitfalls of the future, so that never again will this country be faced with such a bloody, brutal, barbarous movement as *Mau Mau*.

MR. COOKE: Mr. Speaker, I feel inclined to move that this Vote be reduced by half a million pounds, so that we can induce the hon. Member to come back here in a couple of months' time to give an account of his stewardship.

THE SPEAKER: You will be able to do so when we go into Committee.

MR. COOKE: Well, I was going to say that I was inclined—I am not going to do so.

Well, I agree with most of what my hon. friend for Rift Valley said, but I want to lay more emphasis on certain points than he thought it expedient or

[Mr. Cooke] wise to do. I feel, Sir, as hinted by my hon. friend—the last speaker—if we had taken ruthless action in the start, after the Jock Scott movement, and ruthlessly destroyed not the decent Kikuyu people, if we had ruthlessly dealt with two or three hundred thugs we would have got on very much further in the rebellion, but it is exactly what we failed to do. I think we were much too easy, much too lenient with the murderers and perhaps much too hard with the decent Kikuyu people, who have been screened time after time. And I think we should have emphasized—put emphasis on the ruthless destruction of the thugs, rather than what we did by passing various by-laws and regulations that got us very little further in the real battle before us.

Now, Sir, I think I am representing a number of people in this country, and certainly the people I have spoken to, and who have done me the honour of writing to me, when I say one of the greatest criticisms of this country is lack of immediacy in operations because some people seem to think that all will come right in good time by the process called by Bannerman "The inevitability of gradualness". But, Sir, I feel with the inevitability of gradualness, we are building up a lot of trouble in this country. We are creating a lot of intractable problems, and although we are certain to win the physical battle in the end, there is no assurance whatsoever, Sir, that we shall not lose the moral and financial battle. And, therefore, that is the reason that I have got an easy conscience in this matter, from the start to the finish of this Emergency I have urged with all my power that we should put much more emphasis on the elimination of the murderers and thugs. Agitation we will always have with us, but not accompanied by this exhibition of brutality, and so on.

Now, Sir, I suppose, one could divide any criticism into two—strategy and tactics. I do feel sooner or later we will have to declare this outbreak a rebellion, sooner or later, and better sooner than later. And we will have to appoint in a real sense an overall commander. Now I know that it is said that General Hinde is an overall commander, but he is not in the sense that General Templer is in Malaya. He has, for

instance, do refer to the Governor, who is the real overall commander. He has, as well, if we want extra troops, to ask the General Officer Commanding for any addition to his troops. I think that leads to a great deal of unnecessary delay. There is no punch in this country at the moment, no real effort to finish this matter; the only broadcast speech that I have seen so far was that of General Cameron—which I thought was the one bright light in the past few months—when he spoke very frankly to the troops and said amongst other things, "If you meet a gang of 20 it is of no use killing one and wounding two; you must kill or capture the whole 20", and that, Sir, is, I think, the point to which we should emphasize to-day. Now as regards tactics, there are several criticisms in this country. There are two main criticisms amongst the public as I see it. One is in regard to the bombing of the hide-outs. Now, as I felt, Sir, by a great many people that if we could pinpoint a hide-out, as apparently they do claim—as the authorities do claim they are doing—it would be much easier, or, in any case, much more effective, to send troops in company strength and blot out the hide-outs: if its existence is accurately known—as we are told—it is surely far better to send ground troops who would make a proper job of the matter.

Now, there is another point which a lot of people are very uneasy about. That is the failure to exploit successes. Now, time after time, Sir, we are told by the handouts we get through the Press communications, that we have been in contact with the enemy, and instead of containing the enemy until reinforcements arrive at the spot, the enemy seems to be given an opportunity of escaping, and then up comes the reinforcement several hours later. Now I will give a simple incident of that, which is an inspired article in one of the papers. It is referring to a feat—it was a very fine feat on our part—at a place called Othayo. Now the battle began, this stronghold was attacked at 1.30 a.m. and the attackers were held off until dawn. When dawn came, along come the reinforcements. Well, I do not know what the condition, of course, of the weather was, in fact, at the time, but it seems to me, Sir, really an unconscionably long period for reinforcements to

[Mr. Cooke] arrive—something over four hours. Now, this is what the account says: "At about six a.m. a supply party from the Kenya Regiment with ammunition and grenades arrived. Shortly afterwards Superintendent England of the Kenya Police arrived with reinforcements. By daylight the terrorists had begun to limp back into the forest followed by the K.A.R. patrol".

Now, it is obvious that reinforcements had arrived. I think they were very late in arriving. Surely there should be "walkie-talkies" and other means of communicating with other forces so that they could come along in quick march time. Perhaps they could not use their vehicles—I do not know. I ask for some explanation of that failure. But at any rate the K.A.R., I was a member of the K.A.R. and I know what difficulties there are of fighting in this type of country—in Kenya—but it says here that they followed these limping people, carrying their wounded and dead away from this battle. That was a week ago, Sir. There is no explanation as to why they did not give battle and annihilate not only 40, as this claims, but 140 or 150 of them. That is the only way we are going to bring the Emergency to a finish. We are told it was very difficult to get in contact with the large forces as they split into bands of ten and so on. Well, at any rate, there seems to have been a very large force and we do not seem to have kept in contact. Anybody who knows anything about military matters knows that you must not lose contact if you can possibly help it. I would refer this failure to people who seem to think that we are doing very well at the moment, because large rebel casualty lists are published. There is nothing more difficult, Sir, to reckon than the number of enemy casualties and they are nearly always exaggerated. I am not blaming the people who give these accounts, but we know that even in the Battle of Britain the claims for aeroplanes hit—some, in question, were extremely heavily hit, but we found only about 50 per cent of the aeroplanes claimed to be shot down were really shot down. Therefore, I think you can reduce certainly by half any claims of rebels dead and therefore the picture is not so rosy as it sometimes seems. I myself

have come across several complete inaccuracies. One was a very great insult to the Irish the other day when a man Relief was called O'Keefe, but I will let that one pass! There are also two bad mistakes in the Government hand-out which they acknowledge themselves. I read the third paragraph of this hand-out, it is referring to the attack in Fort Hall at a place called Kanderendu: "The gang staged a diversionary attack near the new Government secondary school at Mathanjiri (not Gathagiki), but did not attack the building itself. The earlier report that the school was razed to the ground was incorrect, and officials of the Education Department who visited the site yesterday state that the building, which is just being completed, is still intact".

Well, there is one communication on a very important matter containing two very important mistakes. If that sort of thing happened in this particular incident to which I have drawn the attention of the Council to-day, what possible assurance have we that it is not happening in even more of the hand-outs.

There is a matter which I must bring to the notice of the gentlemen on the other side so that they will bring it to the military authorities. I have been approached by several of my constituents whose sons—mostly boys of 18 or 19—are serving with the K.A.R. or the Kenya Regiment. These boys frequently arrive at Nyeri or some other post and apparently there is nobody there to look after them, nobody there to tell them where they should report. They are hanging about the hotels for several hours or several days spending their own money. That is one small matter which causes a great deal of annoyance and indeed is fear in the minds of the parents. It is not a single boy; it is constantly happening. Now, these boys are sent out and many of them are not very well acquainted with firearms because they have not had very much training. They are sent out to these posts where they are supposed to have ten Africans with them, but we know now that a post consisting of two of these Kenya boys and ten Africans can be rushed—I am not trying to be an alarmist—at any moment by the large forces that the rebels show that they can concentrate on a single piece

[Mr. Cooke.]

of ground, and I say, Sir, that those posts are perfectly inadequately defended because they have not got adequate defence. I think I may go into details and say that they should have stockades round them in addition to the barbed wire which would, at any rate, prevent the posts from being overrun in a very short time. When I mentioned this matter of stockades to those in charge of the police post in South Kinangop they said that they thought this was an excellent suggestion but they cannot get the money to provide it. I was told—this may seem incidental, but it is characteristic of what is going on—they were given £100 to protect this very important post at South Kinangop. That is all the money they had been able to extract from the reluctant Treasury. If you think you can defend a new post on perhaps £100, a few threads of barbed wire, you are asking for another Nalvasha.

This may be unfair criticism but I am going to make it because this is what people are saying. There always seems to be an excuse for not following up and annihilating the rebels. One time we are told it is so wet that the tracks have been obliterated and another time so dry that they could not follow the tracks. Anybody who has been in those forests knows very well that it is much easier to follow up tracks after rain, and I cannot see why, if a hundred or two hundred of these rebels are operating, that the tracks cannot be followed up—rain, or snow, or sleet, or whatever is happening. There is a feeling that there is a reluctance to keep contact until the rebels are annihilated.

Now, my hon. friend, the Member for Labour, who, like myself, had experience in the Northern Frontier, knows that where we had people like rebels, and the only way we could get them was to follow them up until we caught them—not one day but after four or five or six days until they were brought to book. That is what should be done in the forests, no matter how wet or dry conditions are.

Those, Sir, are the points I wish to make. I wish to emphasize that there is a strong feeling in the country which I, and I think some Members on my side of the Council share, that there is not enough

nguvu being put into this matter. We are too easily satisfied that we must win in the end. Of course we all know that, but as I said before, in winning we may have to sacrifice other imponderable considerations which will make victory far less complete than it otherwise would be.

THE MEMBER FOR FINANCE AND DEVELOPMENT: On a point of explanation. I did not wish to interrupt the hon. Member but I would be grateful if he would say on the floor of this Council the name of the post where the Treasury refused money for stockades.

MR. COOKE: My informant is the Commandant of the Njabini special police post. They have been asking for money. They have got £100 and perhaps I withdraw "refused" but there has been an unconscionable delay, they have not got what they asked for several months ago. To delay in matters so serious as this is equivalent to a refusal.

MR. BLUNDELL: Get the telephones ringing!

THE SPEAKER: It is just on eleven o'clock. I think we will suspend business now for fifteen minutes.

Council adjourned at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock a.m.

MR. MATHU: Mr. Speaker, I should like to congratulate the hon. the Mover on this Motion for the very clear way in which he put the case before the Council. (Hear, hear.) I should like also to congratulate the Member for Rift Valley and the hon. Member for Mount Kenya and the hon. Member for Coast. Because I do think that their approach to the problem—that what these hon. gentlemen have demonstrated this morning is extremely encouraging to all the people here. I have a few points I should like to raise. I should like to emphasize the point that had been made by the various speakers relating to the Resistance movement. The Kikuyu guards and the Embu guards in particular. I feel, Sir, that we are to go a long way to encourage not only those who are already in the Resistance movement but also those who are outside the Resistance movement who would like to join forces with the loyalists to help end this Emergency quickly. I suggest, Sir, that one of the most important factors we have to do is

[Mr. Mathu]

to give the loyalists complete confidence that they can be protected—that is that themselves and their property are absolutely safe. Now unless we do that, Sir, I think we are likely to lose in numbers and in strength among the Kikuyu loyalists who are helping with the fight against this evil of Mau Mau.

Now, recently there have been, Sir, attacks on what they call the strongpoints of the Kikuyu guards in Nyeri and in Fort Hall and I say, Sir, that those attacks were successful from the point of view of the gangs and the terrorists and I do think that they ought to give us a lesson that we should really make these points "strongpoints", because they cannot be strongpoints if they are wiped out by the gangsters like that as they were in the two instances I have referred to. I do think that unless we make these strongpoints strong, we will not encourage the Kikuyu loyalists in the fight they are engaged in at the moment and that it will prolong the State of Emergency. I do feel, Sir, that we should provide these loyalists with arms. It is useless to expect a gang of say 20 loyalists in a rondavel without any arms at all to attack successfully a gang of 100 or 200 of these terrorists from the Aberdares or from Mount Kenya forests. I do suggest, Sir, that although there has been an issue of 200 rifles in a district, that is far from sufficient and I do suggest, Sir, that Government should treat this matter as a matter of tremendous urgency that these fellows should be armed so that they can attack these gangs successfully.

I do suggest, Sir, that it is important that when these people, when it is found that they are working full-time, as they are in many cases, consideration should be given either to pay them a salary or to issue rations because they cannot keep a family when they are always on the move against the terrorists. It is impossible, and it is one drawback if these people find that their families are going without sufficient food or attention because they are occupied fighting against the Mau Mau. They are voluntary and I do suggest that this is a matter that should be considered and gone into and put right. I should also like to refer to the compensation in these cases that these people either lose their lives or are injured or lose their property. I suggest, Sir,

that it is important that when these people have claims that these claims should be paid at once and very quickly. I am, Sir, on the Compensation Committee and I know that this is happening, but I do like to reinforce the importance of the people in these districts—the district commissioners and so on—to bring to the notice of the claimant that they should send in their claims quickly and that these claims should reach the Compensation Committee also quickly so that their dependants feel that we are not forgetting them in this time of trouble.

I should like, Sir, to mention here that when the Commander of the Kikuyu guards and the Embu guards arrives in the country—a matter I raised, I think, yesterday—that it is important to consider appointing Africans to the highest position that they can occupy in the State of Emergency. I have in mind, Sir, not only the Kikuyu, but I do think that the loyal tribes in the country like the Luo or the Wakamba, there should be recruitment from them if they are not already in the police or in some other Government job to be given very important appointments. I cannot see, for example why my hon. friend Mr. Okwiry should not be the assistant director of the Kikuyu or Embu guards to help Mr. Morecombe when he comes. Why should he not—a man of his standing—have a very important position instead of staying in Kakamega where there is no trouble. Bring him here and give him an important position and let him do it. It is a matter of tremendous importance and encouragement to the loyal people generally in the country.

Also I would like to ask, Sir, that in the police force itself—I have said this before—that Government should not lose the opportunity of recognizing the services that the African policemen are performing in this field by giving them important promotion—speedy promotion—so that they feel that their service is recognized and they can work with confidence knowing that their service is being recognized. I do not see why there should not be an African assistant superintendent of police. These might be got from the Wakamba as they have been loyal throughout. This is an opportunity to demonstrate to them in concrete terms that they are loyal and that they hold a position in the police force which

[Mr. Mathu] warrants the service that they have performed. I do not think that we should miss the opportunity of doing that.

I also suggest, Sir, that in the Emergency Committee on the district level and in the Provincial Emergency Committees—on the provincial level—in the Operations Committee itself that these loyalists who have distinguished themselves in fighting *Mau Mau* should be very closely associated with the Committee, in fact they should be represented on these Committees. I do not see why, for example, Chief Muhoya, Chief Ignatio or Chief Eliud should not be given very important places in the deliberations of these Committees of dealing with the Emergency.

Now, having dealt with the loyal elements of the Kikuyu and the Embu people, I should like to say how welcome the Government's statement was which was published in the *East African Standard* of Saturday, April 18th, and headed "Brutality not tolerated". I should like to quote one sentence to say that the loyal people appreciated this statement made by the Government on that time. I read—"The Government wishes to make it clear to the public generally as has already been explained to all ranks of the security forces that it utterly condemns and will not tolerate acts of indiscipline in causing unlawful causes of death or injury, the rough handling of members of the public, suspects or prisoners or the misappropriation of or damage to their property". Now that, Sir, is a statement which gives encouragement to the loyal elements of the African population in the whole of Kenya and I would like to suggest that Government should try again to bring to the notice of all ranks of the Security Forces the same statement, because sometimes one wonders whether the ordinary ranks have actually got this statement in their hands; some acts since then seem to suggest that further notice should be brought before these other ranks in the way that Government published in the paper as I have quoted.

Now, I want to say a few things, Sir, in regard to the attack—the fight against the gangs and the terrorists. One thing, Sir, I want to underline very strongly is this question of the possession—of the illegal possession—of firearms. We have, I think, agreed that any persons who are

caught with illegal possession of firearms should, on conviction, be sentenced to death. Now, I would like to go further and suggest that any persons who are found to be trafficking in arms should also, on conviction, be sentenced to death. (Hear, hear.) I know that my hon. friend, the Member for Legal Affairs, has got the matter in hand, but I think it is important that the decision on this matter should be made quickly and the appropriate regulation published and given all the necessary publicity, because I do think that there is somebody here who is benefiting financially by selling firearms to the terrorists. I could not imagine where they are getting them all from. We know when it is reported that some are stolen; we know the Naivasha case, that was reported; and when the gangs have gone into houses and have stolen firearms, but certainly they have not only those that are stolen. There must be other means. I could not believe that there is not somebody who is trading in these firearms. That is why I suggest that any persons convicted of such an offence should be sentenced to death and I do think that would have a tremendous effect in our battle against *Mau Mau*. That, Sir, if I may say so, is even more important than the suggestion of invoking section 69 of the Native Lands Trust Ordinance. That would not solve the problem. In fact, we might find—knowing the Kikuyu land tenure system as I do—that it would alienate most of the elements of the loyal Kikuyu from our ranks and that, therefore, I do not think I favour.

I should like also, when talking about firearms and sources of inspiration, I should like to suggest, Sir, that Government should set up in the United Kingdom a screening team for people who come to this country. (Hear, hear.) I attach tremendous importance to this. Perhaps the Immigration Department will say that too many come in and they would not be able to cope with the work. I say it is a job that is worth spending money on because I do not think it altogether impossible there could not be some people abroad who are inspiring these thugs in our country. I do not mind if they are inspiring them at a distance, but it is more dangerous if they are, body and soul, transported here. The Immigration Office can find out if they are the

[Mr. Mathu] type we would like here during the Emergency. I think it is absolutely important and I suggest that the Member for Legal Affairs might look into all that and see if we can tie it up—perhaps restrict immigrants from abroad until the end of the Emergency. Any people who come from outside the country, not only from Europe, but even from certain parts of Africa. I do feel that is a point that has not been raised up to now and, as I say, I attach tremendous importance to it.

I wish to say that I do not think that the thugs, the terrorists, the murderers hiding in the Aberdare forests and in the Mount Kenya forests have been dealt with sufficiently closely and sufficiently ruthlessly. (Hear, hear.) In fact, there is an impression in the Kikuyu districts which about on these forests that the security forces have not gone into the forests to where these thugs are hiding. If the terrorists can manage to walk into the forests and make a hiding there, surely the security forces can do the same.

I do not want to suggest, Sir—to criticize the security forces in the matter, no reflection on them at all, but I do think that that is the impression the loyal Kikuyu have in the areas which about on the forests, and I suggest, Sir, that we should spend all our energies to see that these thugs are got in the forests and exterminate them; because unless we do that, I do not think we are going to end this Emergency sufficiently speedily as we would like.

I should like, Sir, to refer to the procedure which is adopted, in Nairobi in particular, in regard to the screening of Africans in Government departments and in private employment, and there has been, when these fellows are picked up to go to Embu, as my hon. friend the Member for Rift Valley said, there are 2,000 of them in Embu prison or remand prison—people picked up from Nairobi belonging to other districts, other than Embu, and my suggestion here is that some people have been handled in such a way that they get antagonized, because they are taken to Embu or some other district where no person knows them at all. All I am suggesting is that when they are being screened they should be asked for their identity papers so that

they know where they come from; they should be screened by the Kikuyu Guard—Home Guard—of the district to which they belong, and then I think the unnecessary hardship would be removed.

Before I sit down, Sir, I should like to say that it is becoming clearer to-day than at any time, that in the Kikuyu country you have now almost a definite dividing line between those who are out and out against the *Mau Mau* and those who are at any rate, if not openly, illicitly in sympathy with the *Mau Mau*, and it is my general impression, Sir, that we are winning a large number of Kikuyu on our side.

The confessions that have been made in Fort Hall, as reported—about 5,000 of them, and those confessions are continuing in all the districts to-day, and people are voluntarily coming and saying, "We took the *Mau Mau* oath and now we repent". It is most encouraging, Sir, and if those things that we can do, as a Government, to encourage these people to come forward and to encourage the loyalist generally by some of the things I have suggested before this Council, I think the end of the Emergency may be in sight.

I would like to suggest to the Member for African Affairs to consider whether the Coronation week may not be used for a very good purpose, that those who are loyal to the Government here and to Her Majesty's Government in the United Kingdom should be asked to come forward and take an oath of allegiance during that Coronation week. It is a point that might be worth considering because it will not only give morale and raise the spirits of those who stand firm on the Government's side, but it will also encourage the loyal Africans throughout Kenya to give their support to Government in every way possible. I put that forward as a suggestion that might be worth going into by the Member responsible.

Sir, I beg to support.

THE CHIEF SECRETARY: Mr. Speaker, Sir, it was suggested that I should have come in at an early stage of this debate to give a statement of policy and possibly a sort of general situation report.

[The Chief Secretary]

On the question of a statement of policy. Now, there is one particular factor, Sir, which has affected this to some extent and that is that purely by chance it so happened that the Director of Information gave a broadcast last night which contained a number of points which I should otherwise have used. I thought that I was going to get in first, but the business of the Council went on rather longer than I expected and although there was no collusion whatsoever between the Director of Information and myself, when I listened to him last night I realized that he had used just about the same material which I should have done if I had taken the line which was suggested by the hon. Member for Rift Valley. Moreover, if I had done that, I should have been unable to answer points raised by other hon. speakers.

Well, Sir, on this question of policy, it is not a matter of stating a new policy. One can re-state policy, and to put it briefly, as it has already been put and not only last night but some time ago, it can be divided into certain points. The establishment of firm bases in the reserves, in the native land unit, and elsewhere from which operations can be undertaken, the hunting down of the gangs relentlessly, and the collection and disposal of thugs and terrorists, and the building up of the resistance forces.

Now, Sir, effect has been given to that policy and the results, I suggest, are very satisfactory. We have had our reverses, there is no doubt about that, but we have had some very good results from those of our people of all races who have been working so hard in the field. (Applause.)

Attention has already been drawn by the last hon. speaker to the dividing line between those who are on our side and those who are on the other, and that bears out—and I was very glad to hear it from him—it bears out the information which comes from a considerable number of other sources to the effect that the waverers are making up their minds, and in a considerable number of cases waverers who were, shall I say, doubtful—all waverers, of course, are doubtful, but waverers about whom there was little doubt, having almost gone over to the other side of the fence, have come back

on our side and I trust that that will be continued.

To come to certain specific points which have been raised by certain hon. Members, Sir: the Member for Rift Valley referred to speed in changing personnel in the field. Now, admittedly, we are in different circumstances from the normal times, but while, in certain cases presumably it might be practicable to whip people away, it is necessary to replace them satisfactorily, and it is necessary to take into account the other parts of the country as well as the troubled areas. I am not pretending, Sir, that the speed should not be greater in such times as this, and he can have my assurance that that has had attention even though it has caused disruption elsewhere.

The matter of following-up operations on the District level, an instance was given about the removal of huts in certain areas—that should be dealt with locally, if indeed there is room for improvement, which I understand there is from the hon. Member. Additional staff has been made available. I regret that I am not qualified to speak on the particular instance to which he referred, although I would point out that the power to issue orders for the removal of these huts or to arrange for their destruction, has been delegated to a considerable number of people, and if a report was made to one of them, the necessary action could have been taken.

MR. BLUNDELL: Mr. Speaker, I should like to make it clear to the hon. Member that that was the exact action that was taken. I drew the attention of the Provincial Commissioner to the matter, and he drew it to the attention of officers below him and yet even then weeks later nothing had been done.

THE CHIEF SECRETARY: I apologize to the hon. Member, Sir, and I now appreciate fully his point.

On the matter of the police, Sir, the hon. Member was good enough to acknowledge our debt of gratitude, and he referred to its expansion and the burden which the changes of normal work had placed upon them.

I may say that the regular police force has been increased in the last six months by nearly 50 per cent, and in the same period the Kenya Police Reserve has increased to some 9,500 men on whole-time

[The Chief Secretary]

and part-time duty. Some 2,000 recruits have been passed through the training centre at Nyeri during this period, and some 45 police posts have been established in the Kikuyu land unit, and a number of others elsewhere.

As he says this put a very heavy burden on the organization, Sir, and it is clear, I think, that the police force will not, for a very long time, if ever, return to the size that it was before the beginning of the Emergency.

From the long-term point of view, as has already been announced, it is intended to appoint a Commission, and it is hoped that that may be achieved very quickly, but it is necessary that action should be taken without necessarily awaiting the long-term recommendations which may come from that Commission.

We were fortunate enough to have a visit from the Inspector General of the Colonial Police, who left last week, and naturally the opportunity was taken of consulting him on this matter. As a result, a communication already went off some time ago—some two or three weeks ago—seeking to recruit or rather to obtain the transfer to Kenya of certain men of known experience and ability, who are serving elsewhere at present. (Applause.)

Although, the full result of those requests are not known, some of them have been met.

Again, Sir, the hon. Member referred to obtaining men from overseas. I appreciate his point. The fact that this Council yesterday passed a Supplementary Estimate for the bodies does not necessarily mean that we have achieved our purpose. That Supplementary Estimate was for some 126 men who are required here to help to relieve our own manpower during the future two years or so. The intention is that they should be treated as supernumerary, because it is not possible to say whether the Colony will require their services at the end of two years, and in consideration of the fact that there will be no guarantee of future employment, they are being recruited on special terms. I am quite sure myself that amongst them we shall find a lot whose presence we wish to keep in the country, and I very much hope that that will be the case.

If they are in effect absorbed in the regular police force at the end of that time, they will be absorbed on the salary conditions appertaining to the police force at that time, on the basis of assessing their place in the scale as if they had been recruited into the scale forthwith. In fact, they will come on the same terms as permanent members of the force.

I am unable to report the achievement of the actual bodies, although arrangements were made, Sir, to anticipate the agreement of this hon. Council and the indent went forward. I appreciate the point made by the hon. Member in regard to the personal touch, and I shall investigate that matter. I may add that it was made very clear in the original communications, which went I may say, not only to the United Kingdom, but also to Rhodesia and the Union, it was made quite clear that it was a matter of urgency, and since then further telegrams have been sent, but I shall investigate the point made by the hon. Member.

There is no doubt, Sir, that further strengthening of the forces at the top level in the head office is required, and certain ideas have been explored, and I hope will be put into effect very shortly. But a final decision has not yet been made on the precise nature of the additions. Those will be looked upon as immediate ones, and it may be, of course, Sir, that the Police Commission will have further things to suggest at a later stage. Of course, it will be a matter for this Council to approve of any financial provision required for long-term stepping-up of an organization of that kind.

A further point raised by the hon. Member was the position in regard to the death penalty for the carrying of arms. He asked how many convictions, or as I understood it, what had happened—

MR. BLUNDELL: Prosecutions.

THE CHIEF SECRETARY: Prosecutions. I beg your pardon!

The position, Sir, is that the offence, of course, existed at an early stage, before the law was amended to provide for the death penalty.

I am advised that the death penalty cannot be inflicted in the case of an offence which was committed before the amendment of the law. But I have ascertained, Sir, that there are a number of

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cases which are *sub judice*, prosecutions which have been instituted for offences since the death penalty was provided, and it is hoped that the outcome will be satisfactory.

It is also the case, Sir, that it is hoped to obtain convictions in certain cases where there is joint possession of arms, but as I say, since these cases are not completed, I would prefer not to give details, and, indeed, I have not got details of all of them.

If I may say so, I should like to associate myself and this side of the Council very strongly in the suggestion of the hon. Member that a message from this Council should be sent to such loyal and outstanding persons as Chiefs Eliud and Mulhoya. (Hear, hear.)

The hon. Member for Mount Kenya, Sir, referred to the Kenya Police Reserve Air Wing and the prohibition regarding the carrying of bombs, and put that down to the difficulty of insurance. As I understood it, Sir, although the matter of insurance may have come into it, the real reason was the danger to the 'planes, and the persons in them, and, no doubt, because of this it may have been that insurance came into it, but primarily, Sir, as I understood it, it was because the 'planes were not suitable for the particular kind of bombs, if I may say so, which were in question.

The hon. Member for the Coast, Sir, referred to the matter of an overall Commander about which he still seems to be unhappy. Well, I think it has already been made clear, Sir, and I would repeat it that the Director of Operations, who originally was designated Chief Staff Officer to the Government, the Director of Operations is responsible for the operational control of all security forces, and is authorized to issue to all officers of the Government orders necessary to carry out the Governor's policy for dealing with this Emergency.

Now, the hon. Member seemed to be worried about the fact that the Director of Operations must ask the General Officer Commanding for any troops. Now, the General Officer Commanding has a larger area than Kenya, and certain of these troops are required in other parts of that area than Kenya. But I

should make it clear that the Director of Operations is responsible and has the authority over all those forces which are placed at his disposal by the General Officer Commanding, and the General Officer Commanding has been generous in the light of all his other commitments, if I may take the liberty of saying so. (Hear, hear.)

MR. COOKE: Does he have the power of General Templer at this point? (Order, order.)

THE CHIEF SECRETARY: That particular point that I heard coming from somewhere— May I refer the hon. Member to an answer which was given by the Director of Information on the wireless last night. I cannot help feeling that the hon. Member must have been one of the people who had been talking to the Director of Information because his explanation to my mind was extremely apposite. I should hesitate to steal it from him, and that explanation from the Director of Information came from a soldier, a recently retired soldier, and I shall hesitate to step into the shoes of one more experienced on that side than I am, or indeed than the hon. Member, who spent a little time in the K.A.R.

MR. COOKE: I asked you a question about Templer.

THE CHIEF SECRETARY: The hon. Member for the Coast again, I think, referred to the matter of casualties and casualties being exaggerated. He referred to an analogy of aeroplanes during the war. Well, Sir, as regards the casualties on the enemy's side, with which we are concerned, I should point out that the bodies provide very good evidence.

MR. COOKE: Sir, if the hon. Member will give way, the point I drew attention to was reported in the paper that two men, one British non-commissioned officer and one African non-commissioned officer stood on a hill and counted the bodies being taken away—rather different from counting bodies on the ground.

THE CHIEF SECRETARY: I appreciate the hon. Member's point, Sir, and of course there are casualties other than dead ones, if I may put it like that, and I appreciate that there may be room for a difference of opinion, more particularly about those that get away. But my own view, Sir, is

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that there is likely to be little exaggeration in the case of these casualties. I must apologize, Sir, to the hon. Member for these two mistakes, which apparently occurred in a handout. It is sometimes difficult, as will be appreciated, to get out information quickly and also accurately, and I think that it is probably not only the Information Services of Government who suffer from that. One frequently has the choice of waiting some time to ensure a full and accurate point or putting in something quickly—perhaps not necessarily taking a chance, but a fuller report comes in later. As I say, I apologize for these mistakes.

On the matter of young men arriving for posting in the military forces and the Kenya Police Reserve, that point had not previously come to my notice, and I shall endeavour to ensure that the arrival is known and taken notice of and arrangements made for disposal forthwith. I may say it repeats the experience I had on my first arrival in this country, which made me wonder whether I was supposed to have gone to West Africa.

MR. HARRIS: We will tell you later!

THE CHIEF SECRETARY: The hon. Member drew my attention to the small number of two Europeans and ten Africans, which he said were provided for police posts, and the danger of them being overrun. I may say that arrangements were made some time ago to step-up those figures. As far as I know the smallness of the numbers given by him no longer applies to any post, but if he will give me at any time at his convenience particulars of any post which has only that number I will certainly inquire why that is the case. I think, however, the gradual stepping-up may have taken place since he obtained this information.

Now, the hon. Member also referred to the matter of following up tracks after rain, and suggested—I think he suggested—that people thought there might be a reluctance to follow up. He drew an analogy with the Northern Province. Well, Sir, I have no doubt that it does rain sometimes in the Northern Province. It is a long time since I was there. During the two years when I was there we did have one day's rain each year, which seemed to be the usual thing. I realize that

it rains harder elsewhere in the Northern Frontier but I do suggest, Sir, that the matter of whether the tracks are improved by rain or otherwise depends very largely on the amount of rain there is. There are also—it is the case also—that a number of our friends who act as trackers are more used to tracking in dry country than in wet country.

I very much regret that the hon. Member for the Coast during the time he spent in the Administration in this country did not lay such firm foundations for Utopia, as it would appear that he expects this country should be— (Applause.)—

The hon. Member for African Interests—African Representative Member, Sir—referred to the protection of loyalists. I entirely agree with him on that, and he will be aware of the increasing measures taken to effect it. The number of arms is being increased, the organization is being put on a better footing, with due regard to the point, if I may say, made by the hon. Member for the Coast, who suggested that they should not be too regimented. The Director Designate is due to arrive to-day, Sir, and considerable efforts have been made to encourage the Kikuyu and the Embu guards to provide for their own protection to a greater degree than perhaps they did at one time: that is to say that they should be gathered together in sufficient numbers to achieve useful resistance. I may say, Sir, that the matter of firearms which was raised by him is very much in mind, and everything possible is being done to ensure that firearms are used by the right people and do not fall into the hands of the wrong people.

On the matter of screening in Nairobi and the danger of people being taken to the wrong districts. The hon. Member suggested that they should be screened by the representatives of the district to which they belong. That does not necessarily serve the purpose because they may have lived for some time in another district, and the reason for which they may be wanted or suspected may have arisen in a district other than that to which they belong. But I entirely appreciate this point, that if they are to be taken away they should be taken to the right district where they are wanted or

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where they belong, as appropriate, and not to some completely different district. They should be taken where they are wanted, and arrangements have been made, Sir, to ensure that there shall not be a repetition of a particular occasion on which it appeared that a few went astray because there were not the full facilities for dividing them into districts. As I say, Sir, I trust that that will not happen again.

Now, Sir, I know that it is always customary to have a go at the Government, and I am quite sure that no Government could achieve perfection. But I suggest, Sir, that in spite of the horrors that still go on, that in spite of this expenditure, which we should so much rather see used for a constructive purpose, which we are not able to do at the moment, in spite of this, Sir, I say that the Government with the support of all the loyal elements in the Colony and with much help from Her Majesty's Government—(Applause)—has made good headway in the task of stamping out this terrorism, and with the preliminary restoration of law and order. The task is not finished by any means, and it is necessary that all our activities should be centred on the complete fulfilment of this task so that we can take up the reins of construction at the place where we were forced to lay them down some months ago. (Applause.)

MR. SLADE: Mr. Speaker, we shall of course vote this sum of one million pounds and any further sums necessary for the rapid disposal of this Emergency. What we must at the same time ask ourselves is how many more votes of this kind will be required before it is ended. Those whom we represent will not grudge this payment, nor will they flinch at the loss of lives, destruction of property, economic disruption, mental and physical exhaustion which this Emergency entails, so long as they are satisfied that there is in the Government, and particularly in the supreme direction of that Government, that strength of purpose and of action that will ensure the earliest possible conclusion. Can they be so satisfied? If not, it is our duty to say so. On many occasions in the past nine months we have felt constrained to criticize Government for indecision,

faint-heartedness, vacillation and delay in the handling of this Emergency.

I shall not waste your time to-day in a review of those past criticisms, or the shortcomings to which they are related, but I do contend with conviction and relying on the pages of HANSARD that every one of those criticisms has by subsequent events been fully justified.

We have, Mr. Speaker, been patient, but patience when time has become of the essence, may cease to be a virtue. This phase of the Emergency, which might be termed "the phase of violence", is I believe speedily approaching its crisis. The manner of its development with increasing concentration of the mischief into the Kikuyu reserves and surrounding mountains, and with increasing courageous reaction from the loyal Kikuyus is favourable to a prompt and decisive conclusion, provided only that we can discern in Government a corresponding sense of opportunity and urgency. But, Mr. Speaker, speed, opportunism, offensive determination have now become all-important. Waiting for the enemy to strike, delay in reaction after he has struck, give him breathing space which he uses to the full. The events of the night of the 26th March last marked most definitely a new stage in the development of this Emergency. The attack on the Naivasha police station on that night was an open act of rebellion. The massacre at Lari the same night was an open act of rebel Kikuyus against loyal Kikuyus. Those events justified—nay, called for—prompt and drastic reaction on the part of the Government. Reaction by open recognition of a state of rebellion, by the introduction of death penalties for all rebels and all those who help them by establishing summary courts of justice to deal promptly on the spot with all such enemies, and by proclaiming that their land would be forfeited and subsequently reallocated to those who have remained loyal, so that once and for all every citizen of Kenya whatever his race or tribe might realize that loyalty is the best policy. And, in parentheses, Mr. Speaker, I am surprised to hear the hon. Member for African Interests who suggested that the loyal Kikuyus would resent that process. It is indeed a strange proposition that the

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loyal Kikuyus will resent the taking of land from the disloyal in order to increase that held by the loyal.

Mr. Speaker, at that time, and in that manner, Government had opportunity and the duty to take the immediate offensive in support of the loyal Kikuyus. By such methods, I believe that Government could, and should, have systematically purged the Kikuyu reserves, wherein lie the roots of this mischief, and so have withered the whole growth. Given adequate penalties, given summary tribunals, supported by sufficient force, the loyal Kikuyu home guards could have brought every rebel to book; or else have driven him into the mountains, with no further help or hope of help from the reserves.

Mr. Speaker, it is now to-day seven weeks since those events, and no such reaction on the part of Government is yet apparent. The opportunity is still there but is slipping from us. Meanwhile we see the rebel gangs reorganizing themselves and gathering arms, recruits, supplies with far too little interference. We see the home guards in the Kikuyu reserves continuously on the defence, very hard pressed, suffering casualties daily. We see our security forces operating in the Kikuyu reserves in constant danger of ambush from unseen enemies all round them. I will not share in the criticism of the work those forces are doing. I think they are doing most magnificent work, but working under most appalling conditions of not only open enemies but hidden enemies who could, and should, have been weeded out. And we see, in spite of the most magnificent efforts on the part of the Police, the Law officers and the Judiciary, only one-tenth of those charged with the Lari murders, now seven weeks afterwards, brought to verdict.

Mr. Speaker, it has been suggested that this is a battle which the loyal Kikuyus must win for themselves, but I say that any such statement is an absolute negation of government. Indeed, if suitable penalties and summary justice are not introduced very quickly, the only alternative will be that the loyal Kikuyus will have to take the law into their own hands, whatever pious statements may have been made by Government on the

18th of April, the loyal Kikuyus will have to take the law into their own hands, while Government stands aside. That is a most desperate alternative, involving far greater risk of innocent lives, far greater lawlessness than even the crudest system of justice, with Government still at the helm, could possibly involve.

No, Mr. Speaker, this is not a battle which the loyal Kikuyus can be asked, or allowed, to win for themselves. It is a battle which with their assistance, Government must win. (Hear, hear.) But where is that decisive direction, that sense of opportunity and urgency, that determination without which our victory must be inevitably delayed? Are we still looking over our shoulders? The hon. Member for the Coast was amused last week by my support of Government in the policy of the movement of the Kikuyus from the settled areas into the reserves, as compared with a newspaper report of a recent speech of mine at Thomson's Falls. He asked whether it meant that I have now recovered confidence in the capacity of Government to handle this Emergency. My answer to him is, "No". If he had read beyond the headlines of that report, he would have seen that even then I gave credit to the Government for certain policies and actions, with particular reference to the movement of Kikuyus but, as I said then, I see no prospect of early or conclusive termination of this Emergency without first seeing at the highest level of Government an end to the present indecision and delay. (Applause.)

COL. GROOM: Mr. Speaker, my complaint against Government on this particular issue has been constant right throughout. It is that they have failed completely to understand the real nature of the problem with which they have been faced. I would suggest that they should even now go and get a copy of Field-Marshal Smuts' book entitled "Holism", which is very interesting and very apposite, a philosophical thesis which might give us clearer understanding of the particular problem with which we are faced to-day. The thesis shows how in human relationships the whole is greater than the sum of the component parts and I say that this applies very much to this particular issue because you are not really dealing with the component

[Col. Grogan] parts, the individuals of the Kikuyu tribe, you are dealing with the sum, a surplus over and above the individual components, you are dealing with the condition of tribal hysteria which is an extremely difficult thing to understand.

It is quite obvious from the oaths and whatnot in which these people are indulging to-day that we are faced with an atavistic reversion to primordial savagery which may go back for thousands of years. It seems almost unbelievable that the individual Kikuyu that we know to-day can go wandering the country, chopping off arms, so that he can complete the ritual oath by eating putrid human flesh—that is the actual condition to which they revert. Even as I listen to the persistent, remorseless eloquence of my hon. friend, Mr. Mathu, I have an uneasy feeling that behind his rhetoric there may be his roving eye searching the front ranks opposite for a succulent morsel! (Cries of "Shame"!)

Fortunately, to-day I believe I am—even despite the fact that I was informed by telephone that I was condemned to death on Saturday next—I think as far as cannibalistic intentions are concerned I have some degree of immunity. I do really want to emphasize that point, that unless we look upon this as something much wider and much more profound than hunting down the individual victims of this hysteria, we are not going to go very much further. When it comes to the question of what is, in fact, a surplus on the part of the Government side, we see the component parts of it, but after listening to the speech of the hon. Chief Secretary just now, it would appear to me that the surplus can only be described as a soporific nebulosity.

COL. GHERSIE: Mr. Speaker, I want to deal very briefly with one or two points on the financial side. (Laughter.) Sir, one presumes naturally that the hon. Member for Finance is satisfied as far as can be ascertained that the funds allocated to the Emergency are being spent to the best possible advantage. He mentioned quite recently that the cost of the Emergency was something in the nature of £250,000 a month, and this morning he referred to the Schedule covering the period 1st October, 1952, to the 28th February of this year which disclosed that an average of approximately £120,000

was being spent a month. I would like—an assurance that he is satisfied with the step-up of expenditure. We realize that the armed forces of the Crown have been stepped up. One point I would like him to answer is whether the Colony is being charged with the actual cost of the Imperial Forces which are operating in this Colony, because I consider that the cost of these troops is an Imperial Government commitment wherever they may be serving.

Now, on the subject of the actual finance, it would appear from the hon. Member's speech earlier this morning that he intended to continue to draw on our not too substantial reserve balance. I consider this is an unfair burden on the Colony. It cannot afford additional taxation and I am going to suggest another means—which will naturally be my own personal point of view—later. It will be impossible to calculate the effect of the Emergency on the economy of this Colony for probably a year or two until such time when we are in a position to assess the loss of revenue derived from such sources as income tax and customs.

Now, Sir, Kenya is the focal point of this rebellion at the present and we sincerely trust that the rebellion will be confined to Kenya, but I suggest, Sir, that until such time as the terrorists are eliminated, the other territories are vulnerable.

THE SPEAKER: It is now half past twelve. I believe one Member wishes to move an adjournment. The debate will have to be adjourned. Do you wish to speak much longer?

COL. GHERSIE: Only for one minute.

THE SPEAKER: Carry on.

COL. GHERSIE: As I was saying—the other territories are vulnerable and this trouble could spread beyond the boundaries of this territory. I do not intend to try to attribute any sort of blame, but I do submit that the quelling of this disturbance is not the entire responsibility of this Colony, financially or otherwise, it is also the responsibility of the Imperial Government and that being the case, either the whole cost of the Emergency should be reimbursed to the Colony or, alternatively, a substantial contribution should be made by the Imperial Government.

ADJOURNMENT MOTION

MR. MATHU: Mr. Speaker, I beg to move that this Council do now adjourn.

I wish to raise the question of compensation for the death of the African soldier on active service. On the 28th August, 1951, I asked the following question: "Is the Government aware that Africans are dissatisfied with the Sh. 600 as a compensation for the loss of life of an African in the course of duty with the military or other sections of His Majesty's Forces? If the answer is in the affirmative, will Government please state what action is being taken to improve the situation?"

The Acting Deputy Chief Secretary replied as follows: "It has recently been suggested to the Government that there is dissatisfaction with the death gratuity to the heirs of African soldiers, and the matter is now under consideration by the Government.

The death gratuities payable to the heirs are laid down by His Majesty's Forces Pensions and Gratuities (African Military Personnel) Regulations, 1948, made by the Governor in Council under Ordinance No. 24 of 1941. They are Sh. 800 in the case of African Warrant Officers and Staff Sergeants and Sh. 600 in the case of Other Ranks. Where the sole widow of the deceased soldier is the heir these gratuities may be converted, at the option of the widow, into reduced gratuities of Sh. 200 or Sh. 150 together with monthly pensions of Sh. 10 or Sh. 7/50 respectively."

Now, section 2, sub-section (i) of the Ordinance, No. 24 of 1951, reads as follows:—

"The Governor in Council may make regulations—

(a) Prescribing the conditions under and the manner in which pensions, gratuities or other allowances may be granted in respect of the death, disablement or sickness of any member of His Majesty's Forces who is serving or has served in any of such forces, raised under the authority of any law for the time being in force in the Colony;

Now, since August, 1951, Sir, when the Government said that the matter of these death gratuities was under con-

sideration, I do not think that there has been any result at all and the situation remains as unsatisfactory as it has always been all these years. We have Africans serving with the forces in this country and outside, we have men in Malaya, we have some of them in the Canal Zone and to think that their dependants, in the case of their death, will only get Sh. 600—because they are the majority—is a very disturbing matter. I am suggesting, Sir, that the Government should now make the necessary representation to the military authorities to bring this matter to a conclusion quickly. I know it is a matter which will affect not only Kenya, but other territories which come under East Africa Command, but I think, Sir, that it is a matter of urgency and that further delay would be harmful.

It also has a bearing on the State of Emergency. The African loyalists who are serving with the military forces would like to feel that adequate compensation would be paid to their heirs in the case of death as well as in the case of injury. The value of money these days, Sir, cannot be compared with the years when these regulations were framed. It seems as if it was based on a Sh. 15 monthly salary and Sh. 15 when the bread-winner has been killed by either the terrorists here or in Malaya or anywhere else, I think the hon. Members will agree with me that it is most inadequate.

I do not want to detain the Council any longer, but I do think that Government now should come and decide and publicize that decision so that those who are working for us in all fields here or abroad should know that they have something, at any rate, to look forward to—or their dependants rather—in case they die in active service.

Mr. Speaker, I beg to move.

MR. JEREMIAH: Mr. Speaker, I beg to second the Motion and add that the Sh. 600 provided at the moment is too little. The proposal that the widow can take the Sh. 150 in cash and receive Sh. 10 monthly or Sh. 7/50 is too little to support the widow at all. Therefore, I support the Motion.

Question proposed.

Mr. AWORI (African Representative): Mr. Speaker, in a few words, I would like to support the Motion brought by my friend Mr. Mathu. The African has always come forward during the time of trouble to help the country and offered himself as a soldier. Now it would be disappointing if he has left behind his family and in the end they have to suffer after his death. As we have been told by the Mover, the sum of Sh. 600 that his dependants get is, these days, most inadequate. Unlike non-Africans, very few Africans have availed themselves of insuring their lives, so that if they are dead somehow, their family might benefit. But, in the case of Africans, that has not started and so their wives and children have to depend on something that the Government would provide, and in the meantime I think that people who sacrifice their lives should be given something worth while. There should not be any discrimination at all with the amount given to their dependants.

At the same time, Sir, in most African tribes, if the man is dead, it is very difficult for the wife to stay by herself since she cannot earn money to feed her children and so it comes to the extent that she has to force herself into a marriage which otherwise she would not have required. In other cases, she might have to come to town and lead an immoral life. Now, Sir, I do not think that it is the wish of people in this country that the African should adopt such a life, but if Government would consider to provide something substantial in this case I feel that you would be doing a good thing to the African.

Mr. EDYU: Mr. Speaker, as a member of the Compensation Committee which has recently been paying considerable attention to the whole question of compensation payable for deaths which have occurred, I would like to support the views put forward by the Member for African Interests. I think that most reasonable people to-day would agree that £30 is a most inadequate and improper payment to make to anyone who lost their life in active service for their country and, furthermore, I think that not only should this question of the £30 to a soldier be reviewed by Government, but also the whole question of pensions where you have loyal police retiring

from the force after many years' service. I think the whole question of gratuities payable to them should be examined. I should like to couple the two together.

THE MEMBER FOR EDUCATION AND LABOUR: Mr. Speaker, Sir, I would like to explain the action which has been taken on this matter. I fear that it has not yet been brought to finality and I must confess that the hon. Member is quite justified in stating that the position is unsatisfactory.

In September, 1951, after the question to which the hon. Member has referred, the consideration which was then being taken was crystallized into a committee after consultation with the other East African territories, and with the military authorities. This committee was established to consider the whole question of war pensions and gratuities. The committee reported in March, 1952, and amongst its recommendations was one to the effect that there should be an increase in the rates of the death gratuities. This increase was supported by the Government, and this and the other recommendations were then referred to the other East African Governments and to the War Office who, of course, had to be consulted in this matter. Now, I am ashamed to say that this question has not yet been brought to finality, there has been a regrettable delay, and I think all that I can do is to give you an assurance that the matter will now be pursued with energy.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I just want to intervene to say that of course Government will give sympathetic consideration to the points that have been put forward on the question of death gratuities in so far as *askaris* are concerned. The second point is to assure my hon. friend Mr. Edyu that Government has already referred to the Committee for African Pensions the question of an entire review of the position and the level of African pensions in the services.

CLOSING OF NILE BARRIER

MR. BLUNDELL: I wish to raise another matter on adjournment, but I am not quite sure how to do it.

THE SPEAKER: You speak if I take it that you have given somebody notice.

MR. BLUNDELL: No, I have not given notice; it is not necessary. I wish to draw attention of the hon. Members opposite to the repercussions that will arise out of the final closing of the barrier on the Nile in Uganda, and to the consequent rising of the water level in Lake Victoria. I would like to ask the hon. Members opposite, in advance of the time to lay on the Table a statement especially in regard to the flooding of the areas around the Kano Plain. My information is that with the rising of the water of the Nile, owing to a very slow, low fall in certain portions of the Kano Plain, a considerable area will be flooded. I would like to recommend to Government so that they will make proper provision by building a bund, so that we might prevent a certain encroachment on our land. I raise it, Sir, because it is important that it should not get obscured in the turmoil of the Emergency. I would like to suggest that there need be no answer to this question at the moment, but I would like to suggest that we do some time have a statement on this question of the waters of the Nile and their encroachment on African land in the Nyanza area.

ADJOURNMENT

THE SPEAKER: The Council will now stand adjourned until 9.30 a.m. tomorrow morning.

Council rose at forty-five minutes past Twelve o'clock.

Friday, 15th May, 1953

The Council met at thirty minutes past Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

COMMITTEE OF SUPPLY

MOTION "THAT MR. SPEAKER LAY ON THE CHAIR"

Debate continued.

MR. MADAN (Central Area): Mr. Speaker, I am yet another Member who wants to join in presenting a bouquet of compliments to the Member for Finance for his speech yesterday. Whenever he proposes a small Motion like the present one of a mere £1,000,000 only, one is usually compelled to congratulate him. Of course, I am in complete agreement with the terms of this Motion, because whatever money may be required, whether now or any time in the future, it must be voted. I do not think there is any doubt—there could not be any doubt in the minds of any Members that as speedily as it is possible the Colony must be restored to its former peaceful conditions. But as far as we are concerned—as far as the Asian community is concerned—I should like to say that we have complete confidence in the Government. (Hear, hear.) We are satisfied that in this matter and under the existing conditions, they have taken all possible measures to combat terrorism as they or anyone else could have done. I do not think it is necessary, or it was necessary, for the Government to make a statement of policy to establish confidence. I am satisfied, Sir, that that confidence already exists. Of course, those who want to change horses from riding in the Highlands to a seat in the Secretariat are bound to keep on howling that the Government has failed to take all measures which were necessary. We do not agree with that. It is true, Sir, that mistakes have been made, as mistakes were bound to be made, and I have two pieces of criticism to offer against Government. What I am going to say in no way gallsays what I have already stated—of our having complete confidence in all actions that they have taken.

The first criticism that I offer, Sir, is that the Government in the past failed to keep the African and the Asian manpower in training to be able to make use

[Mr. Madan] of them in time of necessity. It is appalling to think, Sir, however grateful we may be to the Lancashire Fusiliers that they came to our aid in time of need, but it is appalling to think that we had to pay £83,000 for their transport only. I say that in this matter, the Government should have in reserve and should have had in the past in reserve African and Asian manpower properly trained to be of use under conditions such as the present one. But that it not where the Government's mistake has ended. They have continued their mistake in not making use of these two sections of the population even now. For some reason or other the defence measures—the operational defence measures—are confined to a handful of Europeans. On the one hand, we say and we are all agreed that an end should be put to the State of Emergency as speedily as possible. On the other hand, we want only a handful of people to do it. Well, that is wrong and that is the reason why it has taken such a long time to restore peace in this land. In my opinion, Sir, I am glad that the tempo of battle is increasing, because that will enable us to accelerate the process of eliminating those who are working against the interest of this Colony. But that battle is not confined and limited to the elimination of the terrorists only. In my opinion the battle is divided into three parts. One, of course, the first one is against the terrorists. The second one is our economic battle and to try and maintain the structure of the Colony—the economic structure—in such a manner so as to avoid bankruptcy or conditions nearing bankruptcy in the near future. The third is a social aspect, Sir, we are to succeed in maintaining a state of progress in this Colony after the Emergency has come to an end, then, in my opinion, it is necessary that the moral and social aspect of the matter should never be overlooked. That, of course, necessarily brings in the question of relations and connexions between the various sections of the various communities living in this Colony. I think, Sir, it is absolutely wrong for any person, whether a Member of this Council or not, to make vilifying statements against the other sections of the community, either in this Council or on the public platform. In respect of a certain speech

by an hon. Member of this Council about two weeks ago we are waiting to see whether the Member for Law and Order will have the courage to take action under the laws of sedition, prevailing in this Colony as it has been done in the past in other cases of less offensive speeches. It is unfortunate, I submit, that because everyone is labouring under a state of tension we tend to become shortsighted; we tend to become more greedy and try to take advantage of the existing condition for personal benefits, but in the long run that policy will not pay. The policy that will pay the Colony will be a policy of co-operation between all sections of the community and the maintenance of good relations between all of them instead of any one particular section trying to boss the other sections.

In so far as we Asians are concerned, I can confidently say that we are not only willing and anxious to assist the Government in all measures and in every manner possible, but we are also willing to co-operate with all the other sections of the community to see that this Colony comes back to normal conditions without any unnecessary delay.

Sir, it is said again and again that the matter of dispensing justice should be speeded up in order to impress upon the criminal-minded people that crime and rebellion does not pay. Well, of course, I am in complete agreement with that and at this stage I should like to pay a tribute, Sir, to our judges and to all our Magistrates who are doing a magnificent job of work in very trying conditions. (Hear, hear.) I should also, Sir, like to pay a tribute to the advocates in this Colony who have been conducting briefs to defend those who are charged with capital offences at a very nominal remuneration, and in certain cases no remuneration at all, at the expense of their time which runs to weeks and weeks. We know there has been some criticism in the local press whether these advocates were right in rendering service to these accused. The Law Society of the Colony has rightly declared that it is the moral duty of the advocate to hold pauper briefs and the justification of their conduct lies in the acquittal of certain accused at Lari or at Uplands. It is so easy in a state of emergency or a state of war to lose the sense of values and to ask for the introduction of methods of dispensing justice which are

[Mr. Madan] contrary to the accepted rules and precepts of the British system of the administration of justice. I hope, Sir, fervently that such measure will be adopted which are consistent with the British system of the administration of justice and in no time in the future will we stoop to the level of the method that Germany used during and before the war. But one reason for the delay that takes place in the trial of people who are accused of offences is that I do not think—and this I do not consider will be denied—we have got a sufficient number of judges and magistrates to sit in the courts to try these offences. Now this is another aspect of the Government's failure to make use of the Asian manpower which is available—qualified manpower which is available. There are a number of Asian Lawyers and Advocates, Sir, who, as my learned and hon. friend the Attorney General and the learned and hon. Member for Aberdares will bear me out, have distinguished themselves at the Bar and who could be of assistance in taking a share in the administration of justice.

The delay, Sir, in holding the trials after the accused have been charged is not restricted only to criminal offences. I know that civil work must assume a secondary place in the State of Emergency, but for, at least three months all civil work has been stopped because there are no magistrates or judges available. If you will not trust a certain class of people to conduct criminal trials for you whilst sitting on the Bench, then I put it to you that they can competently carry out civil work sitting on the Bench, and I strongly suggest that to the Government, in supporting this Motion.

THE MEMBER FOR LEGAL AFFAIRS: Mr. Speaker, in the course of this debate hon. Members have ranged over a great number of topics which are not strictly concerned with the financial aspect of the subject of this Motion but which are, nevertheless, the concern of those who are responsible for prosecuting the conduct of the Emergency with vigour and with energy. In raising those matters, Mr. Speaker, hon. Members opposite have certainly done so in a very pertinent and vigorous manner, but the Government makes no complaint on that score, because hon. Members are merely asserting

their constitutional rights in accordance with long-established Parliamentary tradition. As the representatives of the people—and the Government recognizes them to be such—of all communities, European, Asian, Arab and African, they are entitled to say to the Government "If you ask us to vote supply, then on that occasion we will put before you our views, we will submit to you our requests and even our demands, for an explanation of your stewardship in the past". So, Mr. Speaker, for my part I make no complaint whatsoever. Many of the points that have been raised by hon. Members opposite have been dealt with adequately in the comprehensive speech which my hon. friend, the Chief Secretary, delivered yesterday; but there are other points which fall within my purview, which I am very glad to have the opportunity of dealing with now.

It has been said by a number of hon. Members on both sides of the Council that the Emergency has entered a new phase, a phase of violence organized in a remarkable and alarming degree. Large gangs and more numerous gangs of terrorists have been marauding in the forests and in the Kikuyu reserve and as the numbers of the terrorists have increased, so also those who have been assisting them in the background, aiding and abetting them, planning their operations, arranging for their supplies, and assisting them in various other ways, have been increasing in numbers.

Such a situation, Mr. Speaker, was anticipated by the Government months ago and that explains why in anticipation of that situation, the Government extended the scope of the criminal law in order to sweep into the legal net those who were organizing and assisting the terrorists. As long ago as last December the Government passed an Emergency regulation making "it an offence to consort with anyone acting in a manner prejudicial to good order." It raised no comment, it attracted no attention, or notice at the time, but that regulation was ready to be used, and had been used since the situation has developed in the way it has done at the present time. At the same time a law was passed to deal with those who harbour any terrorists. As long ago as the early part of this year the

[The Member for Legal Affairs] Government proposed that the penalty for carrying firearms unlawfully should be death. All those measures were taken in intelligent anticipation of the situation as it has now developed. When hon. Members ask for explanations they shall have explanations, but they shall also hear the Government's defence to their criticisms and accusations. In relation to those matters which I have mentioned the Government certainly was not too late. There are other measures which the Government has taken for which they are grateful, and acknowledge their gratitude to the hon. Members opposite for their suggestions and their advice. Speaking for myself, I am always glad, in a situation such as exists to-day, to have suggestions and advice from hon. Members opposite, because one thing is plain that in an emergency where everyone is involved, the policy of approach, of the conduct of the Emergency can only be achieved efficiently if there is something like a coalition amongst all those who are fighting for a common end. One of the suggestions put forward was mentioned yesterday by Mr. Mathu. He referred to his proposal that not only those who are in unlawful possession of firearms, but also those who deliver possession to others by way of sale, loan, gift, or under any other pretext, should like wise be brought within the legal net and if convicted made to suffer the extreme penalty. That was his proposal and I give him credit for bringing it forward and showing the sort of situation and facts that might arise where such a regulation would be required, and fully justified. I am glad to say that in that proposal he was supported by the hon. Member for Kiambu. He will be glad to hear that a Regulation given effect to his proposal has been signed by His Excellency the Governor, and will appear in the Official Gazette in the course of this week. (Applause.) I mention this matter not only because of the usefulness of those suggestions in themselves, but to show that Government welcome assistance from whatever quarter it may come if it is going to help to bring the Emergency to an end at the earliest possible date. But in addition to those measures that I have enumerated, the Government has now

spread the legal net so wide that all those who collaborate with terrorists, whether directly or indirectly, and in whatever way, will, like the terrorists themselves, if they are captured and convicted, suffer the death penalty.

A new regulation has been signed by His Excellency the Governor which, without giving the Council all the legal phraseology, may be summarized in this way: if any person with the intention of furthering the objects of terrorism does any act which is likely—mark you, Sir, is merely likely—to assist the operations of the terrorists or likely to impede the operation of the security forces or which is likely to endanger life, then any such person, on conviction, shall suffer death. (Applause.) That, Mr. Speaker, is a very comprehensive regulation; it expresses in a practical form the principle that not only the terrorists themselves, not only those who are immediately behind them, or organizing them, but also those who—~~use~~ a word popular during the last war—are "collaborators" will be swept into the legal net and pay the penalty. There it is, Mr. Speaker. It remains only for the security forces now to sweep those collaborators into the net, and that I am confident they will do.

Now, Mr. Speaker, before I deal with the two main points which have been raised by hon. Members opposite, namely the subject of rebellion and summary justice, it may be convenient if I deal with certain miscellaneous points which have been raised by hon. Members opposite. One such point which was raised yesterday by my hon. friend, Mr. Mathu, was in relation to these undesirable persons who have come to this country with no other intention than to fish in troubled waters. He made the point that some more effective machinery should be established in the United Kingdom whence these people have come, to prevent any more of them slipping through the net. Sir, it is true that some undesirable people of that character have come to this country. Only a few, but those few are so many, too many. They are undesirable people, in my view, wherever they are, but particularly so in this country at the present time, and as their antecedents have been discovered we have made no bones about our attitude in connexion with their presence here and have taken steps to have them

[The Member for Legal Affairs] the net back, or at least sent out of the country.

But before my hon. friend raised this question, the matter had already been taken up with the representative of the Immigration Department in London with a view to seeing whether a more efficient method of checking upon the credentials of persons who apply for passes could be introduced. In that matter also I welcome the practical suggestions from my hon. friend. The Government had already taken the initiative in that matter and, as a result, I feel there will be less risk that anyone of that character will come here again, though no one can be quite certain that it will be possible to prevent odd individuals getting in here occasionally. But if anyone has any information which they think Government should have on these matters, Government will be glad to have it and will act upon it in a way appropriate to the circumstances.

Now, Sir, my hon. friend Mr. Madan raised two points, both of them of importance though they are not, perhaps, so far reaching as the further subjects, that I am going to deal with later in this speech. He referred to the speech which was made by an hon. Member of this Council which he said called for some action on my part. He did not name the hon. Member of this Council, but I take it he was referring to the hon. Member for Nairobi West. It is true that in the course of that speech the hon. Member for Nairobi West used phrases which can only be described as ill-mannered abuse against other citizens of this Colony. I regret, and I am surprised that a gentleman of his standing should use such expressions, but my hon. friend knows as well as I do, as a lawyer, that abuse merely as abuse is not usually considered sufficient grounds for proceedings.

MR. MADAN: Not even a statement promoting conditions of contempt and ill will?

THE MEMBER FOR LEGAL AFFAIRS: I myself was not present and did not hear his speech, but I am told that so far from promoting feelings of ill will it was the jolliest evening on

record. Everyone proclaimed it to be the most entertaining evening they had. The hon. Member for Nairobi West has been saying this sort of thing for 20 or 30 years and people do not take it seriously. (Laughter.) (Cries of "Shame!")

I would not say, of course, that he has acquired what we lawyers would call a prescriptive right to say such things, but at all events one does have some regard to the privileges and concessions that are accorded to ancient monuments—

MR. HAVELOCK: Shame! Withdraw. (Laughter.)

MR. BLUNDELL: Will you give him a grant?

THE MEMBER FOR LEGAL AFFAIRS: Which I believe can only be removed from the scene by an Imperial Statute or by an Act of God. But a more serious matter raised by my hon. friend, and one of more practical application is the point that he raised about the use of Asian manpower in the Judiciary and in the magistrates' courts. It is a point that members of the community have raised on many occasions previously, but never have they been able to raise it with such forcefulness or with such strong arguments based upon the facts of the situation as they have to-day. He is quite right in saying that because of the shortage of Judicial manpower both in the Supreme Court and in the magistrates' courts there are to-day hundreds, even thousands of cases waiting to be tried. He is also right in claiming that so far as the local Bar is concerned there are many Asian advocates who rank as high as those of any other community and as to that claim, far from questioning it, I would gladly underwrite it and endorse it myself. I would like to add here, too, that I have, in the course of this Emergency, had the advantage of consulting with my hon. friend the Member for Central Area on legal matters, and have had great assistance and benefit from his advice. As far as I am concerned, the hon. Member may have my assurance that there is no objection or prejudice against advocates belonging to his community assisting us in this Emergency. He would not expect me at this moment to go further than say I will look into the point which he has raised

[The Member for Legal Affairs] sympathetically, and I will let him know in due course what the outcome of it is.

Now, Sir, I come to the two major questions which naturally fall within my purview, namely the question of rebellion and the question of summary justice. Sir, several Members opposite have asked for a clear-cut statement—I think it was to described—from the Government on this subject of rebellion. My hon. friend the Member for the Coast expressed his views on this subject most forcibly, Sir, I have always had the greatest respect for the views of my hon. friend for the Coast, but never more so than on this subject of rebellion in which, so I understand, he has considerable experience. But, Sir, in listening to the speeches from hon. Members opposite one might almost think that the Government had made no pronouncement at all on the subject. But let me remind hon. Members of the famous Directive No. 1, issued not very long ago. That comprehensive and penetrating and incisive document issued by the Director of Operations when he was appointed, and following upon—

MR. HAVELOCK: Do not overstate your case.

THE MEMBER FOR LEGAL AFFAIRS: Following upon the issue of that directive he gave a Press conference in which he was asked for his views on this subject and he replied that he rejected the demand that the Kikuyus could be said to be in armed rebellion; saying that that would make the situation seem worse than in actual fact it was.

Now, Sir, that statement was made after the Lari massacre, after the Naivasha Police Station incident. I take it, Sir, that no one in this Council would wish the Government to make a declaration of rebellion if, in fact, that would make the situation seem worse than it really was. Up to that point I take it, Sir, we are all agreed. My hon. friend, the Member for the Coast, says he does not agree. He says even if it would make the situation seem worse than it is, he would prefer that such a declaration should be made. I must ask him what can his motive be, that he wishes to make the situation seem worse than it is to the public here and elsewhere?

MR. COOKE: On a point of explanation. The hon. gentleman is putting this question very badly. When I said I did not mind the situation appearing to be worse, I repeat it, because we want to face realities in this matter and not try the whole time to pretend that there is no seriousness in the situation.

THE MEMBER FOR LEGAL AFFAIRS: Mr. Speaker, the only pretence would be the pretence that the hon. Member is advocating. If he wants us to make the situation seem worse then I ask him what his motive is.

MR. BLUNDELL: If the thing is a rebellion, why do you not say so?

THE MEMBER FOR LEGAL AFFAIRS: We now come to consider the question of the fact whether or not the situation is such that it can properly be described as a rebellion. There are disorders, of course, grave and widespread disorders throughout the Kikuyu reserve, but the assessment of that position in order to determine whether it can properly be described as rebellion, is an assessment of the operational position. It is an operational matter, to decide whether the number of incidents, the character of the incidents, the organization behind them, the weapons used, and so forth, whether all these matters are such as to justify the description of rebellion. And who is better able to assess that position than the Director of Operations; who can assess it better than the Director of Operations who orders the police, who disposes the military forces and the home guards, who receives daily intelligence summaries and daily situation reports? Surely, Sir, he is—let me not overstate my case—in as good a position as hon. Members opposite to assess accurately the operational position. That there have been acts of rebellion, no one would deny. No one so far has attempted to define an "act of rebellion", but I will attempt it, Sir. I quote an eminent authority, namely, Lord Reading, when he was Lord Chief Justice, who defined an act of rebellion as "something which was, in effect, a military operation against the Executive Power". So, Mr. Speaker, I agree that there have been acts of rebellion, such as Naivasha Police Station, but how many rebellious acts are needed in order to make a rebellion.

MR. COOKE: That is where we differ.

THE MEMBER FOR LEGAL AFFAIRS: That is where my hon. friend, the Member for the Coast, differs, and that is where every hon. Member opposite differs. If we were to take a secret ballot of the benches opposite, I wonder how much unanimity we would get as to what constitutes a rebellion. It is the same problem as was proposed by the philosopher, how many stones are required to make a heap? Who can answer that? (Laughter.) It is the Director of Operations who can assess the position, not only because he knows the number of acts of rebellion; but also their extent, their gravity, their import and the manner in which they were organized and what is to be inferred as being behind the situation.

MR. HAVELOCK: Playing with words!

THE MEMBER FOR LEGAL AFFAIRS: I said I was not merely going to answer, I was going to defend the action of the Government and all their retort is that I am playing with words. I would say this, Mr. Speaker, that the view which has been accepted by the Government is the view of the Director of Operations and, after all, no-one can say it was rash or wrong of the Government to accept the view of a man in that position. This view is not a rigid or dogmatic one and, as circumstances change, then the view of the Government might likewise change and be adapted in accordance with the changing tactical position.

MR. BLUNDELL: I thank the hon. Member for giving way. I think the real issue on the matter of rebellion is as follows. I do not think the hon. Member has cleared it up. We have had a series of acts which are designed to overthrow the Government. There was the attack on the Naivasha Police Station, numerous attacks on home guard posts, the ganging together of persons into 200's and 500's, even the maintaining of territory. Surely, Sir, I would like to ask the hon. Member, surely those are acts of rebellion. What hon. Members on this side of Council cannot understand is how, after all the words the hon. Member poured out, he has not yet brought his mind to the point of perceiving there is a rebellion.

THE MEMBER FOR LEGAL AFFAIRS: I am sorry to have to say, Mr. Speaker, that the hon. Member has not yet brought his mind to see the point of my argument, which is that the assessment of a situation

such as exists to-day is primarily a matter for an expert who can assess the operational situation. (Cries of "No".)

THE SPEAKER: Order. Order. The apt interjection is often the salt of a debate, but a continual growl and grumble from the opposite benches is not, and is definitely out of order. (Hear, hear.) Hon. Members must be prepared to listen as well as to speak.

THE MEMBER FOR LEGAL AFFAIRS: The differences of opinion—and I admit there is a difference of opinion—between some of those who sit on the benches opposite and the Government, is a difference as to how many acts of rebellion are required to justify describing the situation which exists in the Colony to-day as a state of rebellion.

Sir, the hon. Member for the Coast apparently has no objection, and certainly no qualms about proclaiming a rebellion prematurely. He forgets, it seems to me, Mr. Speaker, that to do so might well have grave disadvantages which might off-set the propaganda advantages which I have no doubt he has in mind. There are some disadvantages which are so obvious that it is scarcely necessary to mention them. The disadvantage to commercial credit would be very great, if it were proclaimed here and blazoned throughout the Press of the world, that the Government thinks the country is in a state of rebellion, when in fact, Sir, such a description is not justified. To come to a more practical aspect of this matter there is the question of, that is the claims that might then be rejected by insurance companies. Every layman is familiar with the Exception Clause in Insurance Policies, exempting insurance companies from damage caused by riot, civil commotion, rebellion and so forth. Have hon. Members considered what the attitude of the insurance companies might be to such claims, if it was stated that there was rebellion in this land? (Hear, hear.) It is quite likely, Mr. Speaker, that their attitude would be very different indeed from what it is at present. I am not speaking now, Sir, of any hypothetical, conjectural situation. The very same consideration arose in Malaya some time ago. In that country where certainly the operational activities no less extensive than here, there never has been a declaration of rebellion or a declaration of an insurrection or anything

[The Member for Legal Affairs] that kind, and one of the considerations which I know dissuaded the Malayan Government from taking that course was the effect it would have on all the insurance policies throughout the length and breadth of that land. Already some queries have been raised in respect of some insurance policies in this country—Workmen's Compensation Insurance for instance—and have been discussed in the context of this hypothetical declaration which my hon. friend, the Member for the Coast, wants Government to make whether or not the facts justify it. Therefore I ask hon. Members to consider and think again whether the propaganda advantages would outweigh the practical commercial and financial disadvantages which would result from proclaiming a rebellion before, in fact, it was necessary. I know, of course, a declaration of rebellion has some other connotation for hon. Members opposite besides its propaganda value.

The progenitor of this idea is my hon. friend, the Member for Nairobi West. Section 69, the famous section 69. Proclaim rebellion, then quote section 69, and then you have got the answer to everything. I had prepared, I think, a convincing and comprehensive reply to that argument, but I find it is stated by Mr. Clive Salter in a report appearing in this morning's *East African Standard*, with greater clarity and lucidity and force than I myself could invoke, and with your leave, Sir, I would like to quote what Mr. Salter said at a recent meeting at Kitale:—

"Mr. Salter commented on 'muddled'—his words, not mine—thinking in regard to the request for implementation of section 69 of the Native Lands Trust Ordinance, which provides for the forfeiture of land where there has been proof of the offences of treason or rebellion.

If the Governor did declare a state of rebellion, where do we go from there? he asked. The section was, unfortunately, badly drafted, and it provided for the 'offence of rebellion', though there was no such thing in the Penal Code.

Mr. Salter was invited by the Attorney General to discuss the

amendment of the Ordinance, and this was followed by discussions with Messrs. Slade, Havelock and Blundell and the Governor."

There, Sir, clearly stated is the argument I put forward and it is indeed accepted by everyone who has examined section 69—that even if you were to declare a rebellion, nothing would automatically follow therefrom. There is nothing we cannot do now without declaring a rebellion, that we could do if we declared a rebellion; and against that there are the disadvantages to which I have referred. But the danger of all this argument, Mr. Speaker, is that we are getting absorbed in these speculative controversies, in these wordy battles, as the hon. Member for Kiambu said, he will make his contribution, I have no doubt in due course, instead of concentrating on practical measures which are to be taken by the Government with the advice and assistance of hon. Members opposite to bring the Emergency to an end. By those practical measures, I mean, first the sanctions that must be imposed on the terrorists and the leaders of *Mau Mau*, whether they be forfeiture of life or property or land; secondly, the efficiency and effectiveness of the security forces themselves, and lastly, but by no means least, the necessity for rousing and encouraging the loyal Kikuyus in the reserves. Thus, by assembling all our forces and concentrating all our efforts on those essential matters, then we may hope to destroy and annihilate our enemies in the shortest possible time.

Now, Sir, I pass to a further topic which has been the subject of much debate, namely summary justice. This is a matter, Sir, of the greatest importance because the administration of criminal justice touches the very springs of civilized government. This matter must be considered in the context of the grave events and the tragic circumstances which now exist in this Colony. The cataclysm of Lari is something outside the contemplation of any normal judicial system. As a result of the happenings of that night, there are to-day 296 persons charged with murder, attempted murder and arson. The vast majority of them are charged with murder, and it is clear, Mr. Speaker, that if there were any repetition

[The Member for Legal Affairs] of an incident on that scale, or even on a modified scale, or if as a result of the redeployment of security forces on the fringes of the forest in the Kikuyu land, there was an increased number of capital cases, then it is clear, beyond a peradventure, that unless some more expeditious machinery is found for disposing of those cases, then there is a danger of a breakdown of the whole judicial system. It is a difficult problem as the hon. Member for Rift Valley so rightly said. The problem is to devise some system which would expedite the trial of those accused of capital offences whilst, at the same time, preserving the basic principles of British justice. That is the problem, and I was very glad—if he will allow me to say so—to hear the hon. Member for Rift Valley add that qualification, that it is essential to devise a system for the more expeditious trial of offenders, but at the same time to preserve the basic principles of British justice. That he should now, Sir, hard pressed as he is, and anxious as he must be, and with the great load of responsibility he has to carry, stand in this Council and proclaim that principle, was for me, Sir, stimulating to hear. I feel sure, Sir, that in doing so he has shown himself a person who is worthy to walk in the footsteps of those great Europeans who have done so much for what was once called the dark continent of Africa. The problem, I will re-state it, Sir, is the difficult problem of devising some means of summary trial while, at the same time, preserving the basic principles of British justice. It is not always realized, Sir, how much the Government has already done in the way of extending the system of summary trial. In the affected areas, magistrates who, of course, conduct their trials in a summary manner, are entitled to try every single offence in the criminal calendar except capital cases or attempted murder. How quick such a process can be is demonstrated in certain cases which have, in fact, occurred. As soon as a case can be brought before a magistrate, in many instances it is disposed of with remarkable celerity. I might mention one instance of a serious case of cattle maiming. Within four days of the actual offence being committed, police investigation was complete, the

magistrate heard the charge and convicted the offenders and sentenced them to terms of imprisonment from three to six years, four days after the actual occurrence. On yet another occasion, Sir, there was a charge brought in connexion with an oath-taking ceremony at Thomson's Falls, and within two days the accused were sent down for a term of six years. I mention those cases, not because I claim they are typical of what can be achieved by all magistrates, because there are many cases in which the wait in the queue is very long before they reach the magistrate owing to the shortage of manpower. But what I do claim is that when they get before the magistrate then the process is as quick as anyone could reasonably ask for, so long as you are going to have a proper trial at all. I agree that our main problem is to deal with capital cases. I mentioned the 296 charges that have been preferred since the Lari Massacre. There, too, I claim that the Government has done a good deal. Several months ago, last year in fact, the Emergency (Criminal Trial) Regulations were made, abolishing the preliminary hearing in capital charges of, indeed, in any serious charges that had to go to the Supreme Court. Again little attention was paid to that action of the Government and little use had to be made of it until lately, but it was as a result of intelligent anticipation by the Government that the machinery was there when it was required. When I say little attention was paid to those Regulations, I refer only to the Press and the public here in Kenya. A good deal of attention was paid in the overseas Press and I had to make a statement to a correspondent defending the action of Government in that matter. I believe it was to the satisfaction of those people, because thereafter the agitation and criticism of Government on this ground which came from overseas ceased. But I mention that matter to show how much has been done even up to date in the way of expediting the prosecution of capital offences. As a result of that machinery being ready to swing into action after the Lari Massacre, then it was possible within seven days after completion of the police investigation to begin the trial of 26 accused which finished yesterday. I think

[The Member for Legal Affairs]

It would hardly be exaggerating to say that if we had not had that machinery available and we had had to go through the ordinary process then the trial would scarcely yet have begun in the Supreme Court, instead of finishing as it did yesterday.

There are some hon. Members opposite who complain that that trial took far too long. It took 25 days hearing before the Judge who tried them. But, Sir, if you are going to have a trial at all, you surely must hear evidence, and if you hear evidence, you must hear the evidence of both sides. In that particular case 21 witnesses were called for the prosecution, some of them giving very important evidence as to the substantial issues of the case, others giving evidence of a most formal character. But you must allow the defence to give evidence also if you are going to have a proper trial at all. The accused gave their evidence and called their witnesses, making a total of 62 witnesses for the defence. Now, Sir, whether a hearing of that kind takes place before a magistrate or a Supreme Court Judge, or a president of a special court, it is bound to take a considerable time. It may take 25 days, or 20 days—a variation of a few days either way is possible according to the procedure adopted. But if you are going to have a proper hearing at all, then it is bound to take time. The complaints about delay in this case are not, in my submission, justified. As a result of the trial seven of the accused were acquitted. By whom were they acquitted? By the Judge. Upon whose advice? Upon the advice of the African assessors. I have it on good authority from very experienced people who have been concerned with the conduct of prosecutions in this Colony for a long time, that rarely, if ever, have African assessors taken such an intelligent, and such a shrewd, keen interest in proceedings as they did in that case. Their capacity for following the evidence, the questions they put to the witnesses, their reasons which they gave to the Judge showed an astuteness and shrewdness which surprised many people very experienced in that kind of work in this Colony.

I record the fact as most encouraging that African assessors should take an active part in the administering of

British justice in the heart of the Kikuyu country on the site of the notorious educational bucket-shop at Githunguri. But the fact is, Sir, of those 26 who were accused, 17 were convicted and seven were acquitted, two of them being released because of insufficient evidence tendered by the prosecution. That was the result. The fact that the assessors could take such an active part suggests to my mind, Mr. Speaker, that the method of trial with assessors is consistent with the application of the basic principles of British justice, even following such an outrage as occurred at Lari on the 26th March. The conduct and the work of the assessors in that case contrasts oddly with words and phrases and argument that have been put forward in this Council. We have heard phrases such as "purge the Kikuyu", and talk of "taking the law into their own hands", which being translated, Sir, means lynch-law and nothing but lynch-law. I hesitate to pursue arguments of that kind in this Council, but I gladly and respectfully join with the learned trial Judge, who paid tribute to those African assessors, who assisted so fearlessly, so conscientiously, and so ably in the administration of the law, according to the principles of British justice. Having said that, Mr. Speaker, I would not have this Council think for one moment that Government is satisfied that all has been done to expedite the hearing of these capital cases that can be done. Hon. Members opposite know, or some of them know, that the most energetic and intensive measures are now in course of preparation, with a view to making that process even speedier still. But I would say this, that in our desire to expedite the judicial process, we must not so emasculate the forms of procedure as to make a trial, a trial only in name.

The forms of procedure often enshrine the basic principles of our law, and if we discard those principles, Sir, and substitute for them an arbitrary kind of justice which would vary, as they say, with the length of the judge's foot, then, Sir, we would discard not only a great asset, but we would discard some of our oldest and proudest traditions. I submit, Sir, that the impartial administration of criminal justice is one of the most potent means of winning and keeping the confidence of Africans in this country. (Hear, hear.) Not only Africans, Sir, but

[The Member for Legal Affairs]

members of all communities who live in this multiracial community. That is one of our greatest assets, as the former Lord Chancellor said only the other day in a debate in the House of Lords on a kindred subject to this. He said one of the greatest assets we had was in the way in which we administered justice, and the more we showed other countries what our traditions were, the better for everybody concerned. It was because, Sir, we in this country have applied the ideas expressed in that dictum of Lord Jowitt, that it was possible for *The Times* to publish on the morning following the conclusion of the trial at Kapenguria a leading article, the first leader, with a headline blazoned across it, a simple headline of four words: "The Rule of Law", and that article went on to say: "Seeing the difficulty of getting witnesses and the fact that when they came forward they were liable to be murdered, the Kenya Government might well have made use of its powers to keep the accused out of harm's way without bringing them to trial. Instead, it took the right and courageous course of thrashing the whole matter out in a Court of Law and giving these six men all the advantages of British justice. But whatever may happen in the future," the article concluded, "the action of the Kenya Government when it was engaged in countering what seems to be little short of rebellion, in giving these men a fair hearing, must command general approval." Must command general approval, Sir! And here, if I may say in parenthesis, I would like to know, particularly from one hon. Member opposite, whether he agrees that it should command general approval. That hon. Member is one who refused to come down from the fence in the early days of the Emergency, saying that until the accused were brought to trial and convicted he would not express his views. I have not heard him express his views yet, but he will have an opportunity in this debate of doing so. If he wishes to assent to those words that the action of the Kenya Government must command general approval, then now is his opportunity to do so. (Applause.)

But, Sir, I doubt if the case for British justice has ever been put more eloquently and more persuasively than

it was less than a fortnight ago by the Prime Minister of Southern Rhodesia when he made this statement: "We can thank all those who by their application of British justice and British ideas in their dealings with primitive peoples, have ensured that our race relations with the Africans are probably the happiest in Africa, and who have laid a pattern of harmony which can be translated into the new Federation". Those are words, Sir, which were spoken on the eve of what later was proved to be a great personal triumph in the voting for the Federation. At that time and on that occasion he paused in order to pay tribute to British justice and the benefits which had accrued by such means. I quote from that speech of the Prime Minister of Southern Rhodesia with particular reference to the remarks that were made by my hon. friend, the Member for the Rift Valley, in his speech when he said that we must preserve the essential principles of British justice. Whether he knew it or not, I do not know, but in making those observations, Sir, the hon. Member for the Rift Valley in my submission was merely echoing the belief and the faith of the Prime Minister of Southern Rhodesia. He alone of those Members opposite who have spoken, has shown himself to be a kindred spirit of the Prime Minister of Southern Rhodesia in this matter.

The hon. Member for the Coast asked what is the relevance of this argument. I will tell him what the relevance of this argument is, if he does not know it: British justice is the touchstone which will create trust and confidence in the beneficence of British rule in this country.

MR. COOKE: I have said that about a dozen times before. If you read HANSARD you will see it. Why do you emphasize it?

THE MEMBER FOR LEGAL AFFAIRS: I was concerned to show merely that it was relevant.

MR. HAVELOCK: We have got two Huggins now!

THE MEMBER FOR LEGAL AFFAIRS: I suggest, Mr. Speaker, preservation of those basic principles, will demonstrate more emphatically than any words of my hon. friend for the Coast, that British

[The Member for Legal Affairs] rule is something that will bring benefits to all races in the community, and eventually peace and prosperity to this land.

Mr. AWORI (African Representative): Mr. Speaker, I must feel very sorry for the hon. Member for Finance since he is so unfortunate that every time he has to present before us a Motion in which he requests us to vote for money which I feel goes down the drain. Now I emphasize that point, that since we have got the Emergency upon us this money is not for the benefit of anybody at all; it makes the country much poorer. However, it has been his fate to cruise the ship in troubled waters. I hope the Emergency will be over some time, when we will be able to bring before the Council a Motion in which such an amount of money will be for the progress of everybody in the country. Mr. Speaker, as the hon. Member for Finance told us that the Emergency will last until the end of the year, we will be poorer by three and a half million pounds, and that is a great deal of money. I feel that if it is to continue to the end of next year there will be an addition of more than three million a year, making the country much poorer still.

Now, Sir, I think the purpose of this debate is for Members on this side particularly to advise the Government on ways and means in which we can end the Emergency immediately, and I appreciate all the views that have been given by the Members, particularly on this side. I do not contest even the views given by the Member for Nairobi West. I feel that he is entitled to say something if what he says will help the country, although I may not like that particular method. Now, Sir, we are all agreed that we must fight terrorism and wipe it out completely from this land. However, since the Emergency started, the African Members in particular have been accused of not contributing much towards the end of the Emergency. Now, I think that we have been misunderstood. What has happened is that there has been a difference of opinion in the ways in which we can end the Emergency. The other side have not understood that we, of all people, are most desirous to see that the Emergency ends. After all, it is our people who are backward, it is our

people who suffer from furious feuds, and we would like to see that there is peace in the country so that our people who are uneducated and illiterate, who have not got medical facilities, would be able to share the advantages of this country. For that matter, it would be wrong for us to get in the way of ending the Emergency.

A number of points, Sir, have been raised by the various speakers and I must say that the hon. Member for Legal Affairs has replied to them very effectively. One particular point that was raised by the hon. Member for Rift Valley was regarding the question of summary justice. Now, if I understand rightly, the meaning of that is that we should dispense with a number of formalities and deal with the criminals immediately. Of course, anybody who has suffered at the hands of the terrorists would appreciate that in such a situation, it is important that we should dispense with a number of the formalities. However, this is a British Colony and we have been taught to appreciate British justice. I think it would be wrong if we dispensed with that form of British justice and went back to something that is nearer to the method of the *Mau Mau*. We would not be doing anything good to the country and I believe that even in Malaya, despite the fact that the Emergency has lasted for five years, the Government there did not dispense with the ordinary form of justice and adopt summary justice. I feel that the present system is good enough and will be able to help us.

The other point raised was about the forfeiture of land, particularly in instances where people concerned had rebelled. One must understand, Sir, that the people—the terrorists—who are perpetrating all these crimes are, in the majority, people who do not own any land and I do not see how you are going to forfeit anybody's land if most of them are displaced persons living in the forests and who have no land at all. Therefore, I do not think it would be very effective. At the same time, I do not think it would be good to adopt that section 69. It would hurt, in particular, the loyal people, for one purpose is that the crime might be committed in a certain area by people who do not reside there, but if the Government is satisfied that those

[Mr. Awori] people have been responsible, it is those people who will suffer. I do not think such a system will help to end the Emergency.

I come to the question of propaganda. I feel that propaganda plays a great part in removing the present state. Propaganda and information wherever wars have been fought and rebellions and other forms of atrocities in a country, propaganda has played a great part. I must say that our Department of Information is doing all the best it can in that line. However, I wonder how far the propaganda emanating from Government is reaching the terrorists themselves in the forests. I know that it helps the people who might turn to terrorism to change their views, but how far it is going, I do not know. At the same time, Sir, I wonder how far the Government is making use of the African leaders in propagating such information. I myself, Sir, have approached the hon. Member, the Chief Secretary, and offered my services to broadcast on the radio, or to make small meetings if possible. I hope that he is still considering that possibility and I shall get a reply in due course. But it is taking a long time over four weeks since I requested him—and I should have expected that he would have replied immediately.

It is strange, Sir, that very few people in this country understand the psychology of the Africans. They do not understand that the African has got a certain belief, he might trust a certain person who will tell him something and he will do it, but the same thing coming from another person will not be received. I think that this is an opportunity for the Government to make use of the people who are trusted by their own people. In this case I feel that Government has not acted rightly. But it is not too late and I hope that they will be able to make use of our services as quickly as possible.

Mr. Speaker, I come to the question of arms which was very well dealt with by my hon. friend, Mr. Mathu. It is a very important question, since, without arms, I do not think that the terrorists would be able to be in the position of doing all the havoc that they are doing in the country. It has been alleged that there are some people in this country who are trafficking in arms. I feel that there is

some truth in that statement. Each time we read in the daily Press that so many terrorists were captured or were killed that some of their arms are recovered by the police, I would like to know from the Government, out of the arms that have been captured from the terrorists, how many have been identified as having been stolen from the police stations as in the incident that occurred in Naivasha. Or, how many have been stolen from farms and the owners have reported to the police and how many have not been identified as belonging to anybody. I think, Sir, if we know how many have not been identified, we shall know that they have come from a certain source. I feel that is very important, because if we stop arms getting into the hands of the wrong type of people, we shall be able to end this Emergency quicker than otherwise. It has been reported in the Press that one local firm lost 35 pistols. Now, we await a statement from the Government to know in what circumstances these pistols were lost. Recently, I think it was this week, it was reported that a dhow at Lamu was found to be carrying arms. Now, these arms must have come from Kenya going to Saudi Arabia or wherever it was. Now, I believe that the people who supplied these arms to the captain of this ship, are the same people who are supplying arms to the terrorists. It must be investigated. (Hear, hear.)

Sir, I now come to the question of information. I feel that the African as a whole is prepared to see that the Emergency is ended immediately, but he does not come forward as would be expected because of the fear of revenge from *Mau Mau*. Now, I would like to know, Sir, from the Government what has been done, particularly to the Africans who have sacrificed their lives in giving information. In this instance, I might mention the Mathari affair in which twenty bodies were found. Now, this is a mere allegation, but I believe that the information must have come from an African somewhere so that the Government was aware of the atrocities that occurred. Well, Sir, the allegation is that an African constable who was shot at Burma Market was responsible for giving this information and that is why the terrorists shot him. At the same time, he got the information from an African woman who was

[Mr. Awori] killed in the same place at Mathari. Now how true that is I do not know, but I feel that the people who are prepared to sacrifice for the country by giving such information should be well rewarded by the Government—not they, but their dependents. Because if nobody had reported the Mathari incident, I think the deaths would have been two-fold or more than that. If the African knows he has got good protection, I am sure that he will be prepared to come forward and give information which will help us to solve this problem.

I come to the next point, Sir, and this is the question of false propaganda among the Africans. It is a pity that quite a number of people do not realize—do not have any pity regarding the Lari massacre. On this I am speaking with authority because I have known a number of Africans and they have complained how they have been treated by the police and yet they have no sympathy with these people who suffered at Lari. Now, with more information and with more propaganda, we can make them realize that although they have lost their homes at Mathari, there must be people who have lost their lives at Lari. Life is more precious than buildings. They must realize that it does not pay to kill people and then grumble because they have lost their homes. I feel that here we should be able to make use of the African leaders as I mentioned before. Because I get quite a number of complaints, some of them are justified, but then I think to myself that I am not going to agree to such a complaint when I see the collaborators of the people of the same tribe committing more and graver crimes than are reported to me.

There have been even more allegations to me that people have been taken out of the detention camps and shot. How far that is true, I do not know, but I am not prepared to accept it until I get something to the contrary. In any case, in order to dispel such rumours, I suggest that Government do appoint a Committee—a permanent Committee—which would inquire into all the detention camps and get their grievances if anything has happened or not. This would dispel a number of rumours that go about among the Africans that a num-

ber of people are being shot from the detention camps, particularly if the report from this Committee should be published. Since when such rumours spread about the country, the Africans tend to think that the Government is there to destroy them and not to help them and for that matter would rather side with the *Mau Mau*.

So much for that, Sir, I will now come to the last point.

THE SPEAKER: It is now Eleven o'clock and Council will suspend business for fifteen minutes.

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

THE SPEAKER: Mr. Awori was speaking, but I am afraid as he is not here he has lost his right.

MR. MATHU: He is just coming.

MR. AWORI: Mr. Speaker, by the time the Council adjourned, I had started to speak on home guards. A lot of words have been said about the home guards. Now, Sir, I would like to bring one matter before the Council. We have in a certain area home guards who are exemplary and I might say that the person responsible—a Member of this Council—he was responsible in selecting his own home guards and we have not had a single incident that has occurred in that particular area because he knew the type of people he could trust to do the right thing. If the home guards all over the Kikuyu country were of that type, I feel they would do much. I might mention that the person concerned is my friend the hon. Mr. Mathu. I think that he has rendered a great service to the country in that particular sphere although he has not had the credit that we would like to be expressed.

Sir, there is one important matter that I would like to raise and this concerns the detainees. From the information I have gathered, it is that the Emergency Tribunal which was established by the Government is not prepared to have counsels representing the detainees. I feel that Government should be able to explain to us why the detainees should not be represented by a lawyer if they can pay for his services. This Emergency Tribunal acts almost like a court and I

[Mr. Awori] think that the right of the person accused or detained should be in the same way as stands in the court. The Africans feel dissatisfied if the detainees have to appear without representation. At the same time there are thousands of people who have been detained and I wonder whether the present Tribunal will be able to deal with them as quickly as possible.

Mr. Speaker, before I sit down I shall conclude by telling the Council that the African is whole-heartedly behind Government in ensuring the end of this Emergency and we shall do the best we can to co-operate with the Government and with the forces of law and order to see that terrorism is wiped out of the country as a whole.

There is one point before I sit down I would like to make. Unfortunately the hon. Member for Legal Affairs is not present. He mentioned during the course of his speech about a Member of this Council. I was not particularly clear what he meant. I do not know who is the particular Member he meant, but I might say I thought perhaps it was myself and it is very difficult for me to reply unless I know exactly what he meant in that particular instance. I remember telling a high member of the Government about certain people who had been detained saying that I would not be able to make comment until they had been tried. Some time ago I made a Press statement in which I mentioned that I adhere to the verdict of the learned judge and I am not going to contest, despite the fact that the people accused are still to make an appeal, but in the meantime I will not say anything except to say that I adhere to what the learned judge made in his summing up of the whole case. Sir, I support the Government in all the measures they have adopted in the Emergency.

MR. COOKE: On a point of order, Sir, is the hon. Member for Commerce and Industry—the Secretary for Commerce and Industry in order in reading a newspaper in Council.

THE SPEAKER: Certainly not.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Is it the hon. Member for Commerce and Industry who is reading the newspaper?

MR. HARRIS: The Secretary—he corrected himself.

Mr. Speaker, I did not wish to interrupt the hon. Member for Legal Affairs as it would only have added to the jack-in-the-box effect if I got up to speak. But may we have a clarification, Sir, to know whether the new Order which concerns itself with collaborators, in fact means that any prisoners taken during operations will make themselves liable to hanging.

THE SOLICITOR GENERAL: Mr. Speaker, this is a fast one and I am not sure that I can usurp the functions of the courts in interpreting any particular provision of law. The essence of the new offence as described by my learned and hon. friend the Member for Legal Affairs is doing, with the intent of furthering the objects of terrorism, an act which facilitates the operations of terrorists or impedes the operations of the Security Forces or endangers life. Consequently, I think I can go no further than to say that in some circumstances active members of gangs caught in *flagrante delicto* may fall within the purview of that new regulation. Of course if they do not, there are a number of other offences—other charges—which are open to the prosecution under the existing Emergency Regulations. The three different types of consorting are the offences which I have particularly in mind and which though not capital are punishable with heavy sentences of imprisonment.

Mr. Speaker, there are only one or two other points which I have in mind to mention. The hon. Member for African Interests, Mr. Awori, raised a point on the question of representation of detainees by counsel. That, Mr. Speaker, is a matter for the review committee itself. They can neither be compelled to permit representation, nor can they be debarred from permitting representation. Whether or not a detainee is actually represented in the consideration of his case by the review committee, he has access to a legal adviser beforehand.

There is another point which was raised by that same Member and I think I am right in saying by my hon. friend Mr. Mathu. That was a reference to the allegations which have been made

[The Solicitor General] recently regarding the behaviour of the Security Forces. Now these allegations are of a general nature and very easily made, and it is very difficult to refute them or to confirm them. The Government, and indeed everybody concerned with the enforcement and maintenance of the rule of law, which after all is our main objective, deprecate strongly any licence of this nature and indeed, I think it is right to say, that the responsible officers of the police and military forces similarly strongly deprecate any such licence. It brings their forces into disrepute and it militates very strongly against the restoration and establishment of confidence which is so essential to the final solution of the problem. Any specific accusations that are made are energetically and fully investigated and I can assure my hon. friends that if, on investigation, evidence should be disclosed supporting a charge, a charge will be taken.

Mr. Speaker, in my own personal opinion this debate has gone on a good deal too long already, and I do not propose to contribute to its extension.

Mr. MATHU: Mr. Speaker, I did not want to interrupt the hon. Member, but on a point of the Magistrate Tribunal where he says a detainee could have access to counsel or lawyers. Is he aware that the charge sent to detainees and signed by the secretary of the Tribunal have a last sentence: "Advocates are not admitted"?

THE SOLICITOR GENERAL: On a point of explanation, Mr. Speaker, I do not know the distinction between appearing before the Committee and having access beforehand to counsel for advice. Appearing before the Committee is a matter for the Committee itself. Having access beforehand is a matter for the prison authorities.

Mr. HAVELOCK: I thoroughly agree with the Solicitor General that this debate has gone on too long, therefore I am only going to pick out what I believe are one or two important points that need answering. The hon. Members are very busy at the moment and we want to get on to other things. I want to deal, Sir, very quickly with one point made by the hon. Member for the

Central Area, Mr. Madan, that was the matter of greater use of Asian manpower, and I want to say straight away that I personally would welcome greater use of Asian manpower in active fields as there is in any other field. I hope we will be able to work out a system suitable and acceptable to Asians so that this can be put into effect. I also would like to see the Asians who feel the same way as the hon. Member coming forward and volunteering for such action.

Now, Sir, the hon. Member also referred to a speech made by the hon. Member for Nairobi West and this was taken up by the Member for Legal Affairs. All I would say is that I am afraid that quite a number of speeches have been made by more than one Member of Council which might well be taken as tending to upset relationship between the different races. Certainly the hon. Member for Nairobi West is not the only one and if any actions are going to be made against individual Members in this Council, I think it is necessary to answer as I have just done. As far as the criticism made by the Member for Legal Affairs against the hon. Member for Nairobi West, I asked the hon. Member for Nairobi West if he had heard them, and unfortunately he had not. I shall have very great pleasure in bringing to the notice of the hon. Member for Nairobi West the HANSARD where the criticisms were made, then the hon. and venerable Member will be able to hold his own on another occasion against the Member for Legal Affairs.

Now, Sir, the hon. Member for Legal Affairs has made one or two statements which I think need a certain amount of comment. First of all, in a rather boastful tone, he told us how Government were well prepared by passing the Emergency Regulations on people who help the rebels and so on. In fact, he pointed out this particular aspect in order to show that the Government has not always had to rely on the advice of the hon. Members on this side of the Council to take the initiative!

THE MEMBER FOR FINANCE AND DEVELOPMENT: Who is boasting now!

Mr. HAVELOCK: I think the hon. Members can judge for themselves, Sir.

[Mr. Havelock] from the history of the whole Emergency on this matter. What I would like to know is that although Government took this step, how many charges have been laid under these regulations? How many people have been convicted under these regulations? Are the hon. Members quite certain that the police and the prosecuting counsel know all about them, because in my view and in my experience, there have been very few charges made and it is no use making regulations without putting them into effect. That is where Government has let us down in the past. It is not entirely the fault of the hon. Members opposite, it is indeed a lot the fault of—if the hon. Member would let me go on, he would find that I am quite a reasonable man after all. It is, indeed, the fault that the Emergency has come on us rather suddenly and without proper organization which may or may not be the fault of the hon. Members opposite and, indeed, the flood of the Emergency Regulations has been so great that no man can really be expected to keep them all in his head.

We have asked that these Emergency Regulations should be issued in simplified form; that has been accepted by hon. Members opposite. We asked that they should be put into one volume, which has now been done. Indeed I think that they are getting to the stage where people are starting to understand them. In the past they did not. What Government did in the past has not been, put into effect. They must see that they are put into effect now. That is a most important matter to get on with urgently now.

Now, Sir, the hon. Member for Legal Affairs went on at great length about rebellion—the arguments for and against the declaration of rebellion and so on. Of course, he has been trained all his life to bewilder simple-minded people like myself with a mass of words. I could hardly follow his arguments one way or another. All I would like to say is that the Secretary of State himself, I understand, has already called this particular Emergency a rebellion in the House of Commons, and whether he knows better than the hon. Member for Legal Affairs, I leave to the Council to judge.

Great weight was given to the disadvantage of calling this matter a rebellion in the commercial field, especially as regards scaring away capital and so on. I would suggest, Sir, that basically the one thing that we must do, and the hon. Members on this side of the Council have said this very often, the one thing we must do to create confidence in the Government of Kenya is to face facts—(hear, hear)—and to show a complete sense of realism and urgency, and I am quite certain that with that we will get all the credit we need and all the support from commerce.

The other matter of insurance, I think, there is a certain amount of merit in the argument but I would like to know what is the situation to-day with the insurance companies under the Emergency. Is it, so far, that the policies still hold—is that correct?

THE SOLICITOR GENERAL: Yes, that is correct.

Mr. HAVELOCK: Well, I hope it continues.

THE SOLICITOR GENERAL: It will not if you declare a rebellion.

Mr. HAVELOCK: I doubt if that is really very relevant.

Another point that was raised by the hon. Member for Legal Affairs, I think it was he said that now magistrates in the affected areas have complete power to take any cases that they wish except capital offences.

THE SOLICITOR GENERAL: On that point, Mr. Speaker, these are magistrates invested with special powers under section 15 of the Criminal Procedure Code. Of course, it is not every magistrate. In the special areas District Commissioners and Resident Magistrates have these special powers *ex officio* at the moment and other magistrates are appointed individually.

Mr. HAVELOCK: I thank the hon. Member for his explanation. I would like him to take note of information that I have received that in the Kikuyu reserves and Embu districts there are not sufficient magistrates with wide enough powers to deal with the prisoners. I am told that magistrates can only sentence up to two or three years which is quite

(Mr. Havelock) insufficient in a number of these cases. In this respect, Sir, I would like to congratulate, as I think other hon. Members have, both the legal authorities and the Criminal Investigation Department of the Police for the way they have handled the Githunguri trial under the present system. It is very difficult for them, I know—and that leads us to summary justice—but I believe that under the present system and the rules they have to follow, they have done very well indeed—extremely well. Summary justice is rather a loose term, and it is one that has been banded about for a number of months—both in this Council and mostly outside it—and I merely wish to state that I am certain it is absolutely necessary—providing always, following the statement of the hon. Member for Rift Valley, that we preserve the basic principles of British justice—it is absolutely necessary to quicken retribution from crime on these terrorists or rebels. I say it is not only a matter of the breakdown of the administration, the risk of which was obviously shown by the Lari massacre, but the loyal Kikuyu expects us—and expects to see retribution quickly, not in six or nine months after the crime has been committed. I am quite sure, and I think the hon. Member, Mr. Mathu, would support me, that it will go a great way to help the loyal Kikuyu, the indeterminate masses as they have been described, to realize the determination of Government to bring these rebels to book. It is no use hankering around for months until feelings cool off and the whole case is forgotten. I would go further than that and say it is on those grounds that I believe a quick and simplified form of procedure must be introduced immediately, and if we do not do such a thing, we are running a risk of letting things get out of our control, and here I want to say most emphatically for now and especially for the future, the Government of this Colony must retain authority outside and inside the court. We cannot have any type of activity without the authority of Government backing it up. If in any way we let that slip, the future of this country will be very much more difficult to handle.

I am afraid, Sir, I was not very impressed with the speech by the hon.

Member for African Affairs, Mr. Awori. Once again, although he expresses his views that he is behind Government and agrees with Government, once again the whole tenor of his remarks was to try to whittle down the powers that Government wish to take—the action they wish to take in order to bring the Emergency to a speedy end. It is most disappointing that even at this stage that attitude should still be retained by the hon. Member.

I think, Sir, I would like to close on a note of congratulation. I believe that the Government of this country was dilatory in the past and so, Sir, were we. We did bring to Government's notice what we thought was happening—hon. Members on this side of Council did bring to Government notice what we thought was happening. We did not bring specific items and proof for supporting our reason, but we did at least bring to the notice of Government what we thought was building up. Hon. Members opposite have taken a long time, I think, much too long, of course, not only owing to their own incapacity but owing to other great hindrances and difficulties that were put in their way by the peculiar constitution under which we work. But a very long time has been taken in setting up proper machinery, both legal and practical, to deal with an emergency of this sort. I believe that we are very near now, in fact, we have almost achieved, the right machinery for the task and I also believe the hon. Members opposite are now imbued with the spirit of urgency and realization of the enormity of the task both now and in the future. Therefore, I want to end on that now and say that at last both sides of the Council have ^{met} together and if we go ahead with the right spirit, we can finish this Emergency in a comparatively short time.

MR. CHANAN SINGH: Mr. Speaker, I wish to express my appreciation of the views expressed by the hon. Member for Legal Affairs and the hon. Mr. Havelock on the question of Asian manpower. We have been trying to persuade Government for the last three months to reject the old policy of keeping the Asians out of the armed forces of the Colony. We do hope something will now be done so that the manpower of the other races will be used as well as the manpower of the European community.

[Mr. Chanan Singh]

Now, Sir, most of the points on my paper have already been made by the earlier speakers. There are one or two points which I wish to make and on which I seek clarification from the Government. One of the Emergency Regulations has received comment in the overseas Press and that is the regulation which relates to the shooting of those people who are asked to stop and do not stop. I would welcome any comments or information that the Government wishes to give on this point. I do hope that the intention is that people who are asked to stop are not to be shot dead in the first place, they are to be shot at and captured alive if possible and they are to be shot dead only if they do not obey the signal. Has the Government any figure to show how many people have been shot at and captured alive and how many had to be shot dead.

THE SPEAKER: No other Member wishing to speak—

MR. MATHU: I did not want to interrupt the hon. Member who has just spoken. In his point about the Asian manpower, is it the intention of his community that they will go and work in the dissected areas, not part-time but whole-time, like other communities.

MR. CHANAN SINGH: On a point of explanation, Mr. Speaker, our intention is that there should be no distinction between the races in the matter of service in the forces and that Asians should be treated on the same level as Europeans and Africans.

THE SPEAKER: I will ask the hon. Member to reply.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, as is usual in these debates, Sir, very little has taken place that has anything to do with finance. Nevertheless, Sir, certain questions on certain matters which from the point of view of the Government have been raised must, I think, be dealt with. I will not, of course, answer any in detail—the patronizing speech of the hon. Member for Kiambu. I would like to deal with the points raised by the hon. Member for Nairobi North.

The hon. Member for Nairobi North asked, Sir, whether I was satisfied that money was being spent to the best advantage. The answer is a plain and straight one, Sir. No, of course not at

together, the Treasury is never altogether satisfied. I think there is a great deal of loose talk about the wastage that is going on. I had two instances brought to my notice, one in Nyeri about people in the Kenya Police Reserve Force sitting about doing nothing and one in Nakuru about the Police Department overpaying or advertising for clerks at well above the commercial rate. Now, as is common in the Treasury, Sir, we somewhat inconveniently for the people concerned in one instance had this matter investigated. The gentleman who had made the allegation was asked to go and see the police; I would say that he failed to substantiate his case and, indeed, I think, the phrase used by the Commissioner of Police in his reply to me was justified. "From this it will be seen that the allegations made are quite unfounded on fact." Unless there should be any question, Sir, if a Member desires, it can be laid on the Table.

Now, Sir, on the question of the overpaying of police stenographers—which was raised in Nakuru. We were accused of offering vacancies for stenographers at £40 per month, plus 30 per cent cost of living which was equivalent to a gross salary of £52 per month. Now, Sir, all the Kenya Police Reserve lady clerks are employed at a rate of £320 plus cost of living allowance of £98, which is Sh. 22/29 per day or Sh. 683/70 for a 30-day month which I suggest from my own personal knowledge is well below the average commercial rate. A personal and confidential secretary of the Senior Superintendent who is a regular police clerk receives a monthly salary of £34 per month, plus cost of living. So that I would again say that I do not know of any personal and confidential secretary working at that level in the commercial world for a salary as low as that.

I was asked by the hon. Member for Nairobi North about the cost of troops and this has, of course, been stated before. I would say, Sir, that the present position is that Kenya pays anything extra to the normal cost of upkeep. The hon. Member put up the question of the contribution from Her Majesty's Government. I cannot say very much on that. Council knows that I have had conversations in London on the general position and that I hope to be having some more again soon. I can say that

[The Member for Finance and Development:] Her Majesty's Government appreciates our position and I will repeat again that Her Majesty's Government will not see the operations hampered in the Emergency for lack of finance. But for the time being, I must leave it at that.

My old friend, the hon. Member for the Coast threatened me with the reduction of this Vote to half a million pounds in order to get a report. Now, Sir, the hon. Member knows well enough that he can get a report from me any time he likes. The Treasury, however, has to authorize expenditure before the expenditure is incurred, and had we moved this amendment and had it been carried, he would have left us with exactly a four-weeks margin of authorization which would not have, of course, helped the operations in the Emergency very much. However, he withdrew and for that I am very grateful, Sir. Having like the hon. Member for Mau and the hon. Member for Kiambu, waved his monitory birch in the spirit of saying "We can hit you if we wish"; he withdrew and I thank him. Now, as I listened, I could not help thinking that I and Mr. Havelock and the hon. Member for Mau were looking at the Government in the spirit of Robert Louis Stevenson, in the spirit of good and bad children—"Children, you are very little, and your bones are very brittle, if you would grow great and stately you must try to walk sedately". (Laughter.) The hon. Member only made one mistake—

MR. COOKE rose.

THE SPEAKER: The hon. Member who has the floor of the Council had not given way and the hon. Member for the Coast is out of order in rising to speak.

MR. COOKE: I did not rise to speak, Sir, I asked the hon. gentleman if he would give way.

THE SPEAKER: You cannot speak until he has given way.

THE MEMBER FOR FINANCE AND DEVELOPMENT: If the hon. Member for the Coast will allow me to finish, I will give way on that point. The hon. Member made a very great mistake, Sir, and that is that the Government bones are not very brittle, they are very tough and when we are sure we are right, they are

even tougher. Now if the hon. gentleman wants to intervene—

MR. COOKE: I merely want to quote Robert Louis Stevenson. Obviously, the hon. gentleman thinks, "It is better to travel hopefully than to arrive".

THE MEMBER FOR FINANCE AND DEVELOPMENT: On the contrary, Sir, I am going to point out to the hon. Member for the Coast that we have arrived.

Now, Sir, the hon. Member for the Coast spoke about the Treasury refusing expenditure on Njabini special police post. When challenged, he withdrew in a qualified manner the word "refusal"—he said there had been an "unconscionable delay"—"several months"—"equivalent to refusal". Let me give the factual statements from the Treasury's and the police point of view, then I hope to hear the Member for the Coast rise and withdraw this particular allegation. In preparing its estimates for the cost of additional security for police posts, the Commissioner of Police allowed an average expenditure of £100 per post. That was the estimate he put up to the Treasury. The Treasury approved the estimate of the Commissioner of Police and the Commissioner of Police authorized his officers to incur expenditure on this authority without any restrictions as to amount. The Commissioner of Police authorized his officers to incur expenditure on security measures necessary for police posts without any restriction as to amounts. In the event, some police posts and stations provided what they considered adequate security for less than £100, but I have the word of the Commissioner of Police Finance Officer for the fact that the police put no restriction on the amount and merely told the responsible officer to have the job done. I would like, Sir, the hon. Member for the Coast to verify that if he wishes and then perhaps he would feel inclined to withdraw this particular allegation.

MR. COOKE: I had the assurance of the Officer Commanding that they had not had—perhaps after quite a lot of urging, the Commissioner of Police has now given way—that is a very different thing.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am afraid I cannot accept that. The Commissioner of Police has stated that he authorized his officers

[The Member for Finance and Development:] to incur expenditure on security measures necessary for police posts without any restriction as to amount and he has stated categorically that he has put no restriction on the amount and merely told the responsible officer to have the job done.

The position arises again that the hon. Member for the Coast has made an allegation. The heads of the departments concerned have said that this allegation is not correct. I would suggest, Sir, then that we should ask independent Members of this Council to investigate that allegation.

MR. COOKE: Hear, hear.

THE MEMBER FOR FINANCE AND DEVELOPMENT: The hon. Member for African Interests, Mr. Mathu, spoke about speed in the settlements of compensation. I am sure he knows that I agree with him wholeheartedly and it there is any delay, I trust that he will draw any cases to my notice, and he can be sure that I shall do what I can to hasten settlement. Speedy compensation is the only compensation that is really worthwhile.

The hon. Member for the Aberdares chided Government for lack of offensive intention and purpose. He spoke of "rebel gangs reorganizing, themselves and gathering arms, recruits, supplies with far too little interference". Now, I am on the Emergency Committee of this Colony, so is the hon. Member for Rift-Valley. The hon. Member for Kiambu is on the Operations Committee which is responsible for the day to day work and we must all accept collective responsibility in this respect, and I am sure we all do. Now, on those Committees we frequently meet the Director of Operations, who is a distinguished General who knows his job, and let me say categorically in this Council that there can be no doubt about the offensive intention of the Director of Operations. The hon. Member knows that Government does not—and the Director of Operations does not—regard it as a battle—I quote his words—which the loyal Kikuyu must win for themselves. It is regarded as a battle they must win with our help. I admit that not all the measures advocated by the hon. Member have been taken, not 100 per cent, and to that extent the policy is probably

wrong—(laughter)—but the Director of Operations has emphasized the need for support to be given, and has ordered the measures which I believe are now beginning to take effect. The hon. Member will forgive me, I am sure, if I say that in technical, military matters of this kind, I prefer to place my confidence in the gentleman who directs operations who is an expert.

MR. SLADE: The hon. Member, if he listened to my speech, or read the HANSARD after, he will find—

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am sorry to contradict the hon. gentleman. He may not have so intended to do, but I read his speech last night—twelve o'clock last night—I read it again at half-past five this morning to be perfectly sure what the interpretation was. I took the words from his speech.

MR. COOKE: On a point of order, Sir, it is not the privilege of this Council to criticize any Member's speech or otherwise?

THE SPEAKER: Would the hon. Member be more careful and state particularly what the point of order is?

MR. COOKE: The point of order is, according to the tradition of this Council, to be able to criticize anyone outside of Council. When the hon. gentleman says we should not do so, I think he is out of order.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I would suggest that any study of my speech will show that I have not said that the hon. Member should not criticize the Director of Operations. I have defended the Director of Operations. I said in this case I place my confidence in him rather than in the advice of the hon. Member.

THE SPEAKER: I cannot see anything out of order that has so far been said by the hon. Member for Finance and Development.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I am afraid it is the old, old story, that the hon. Members opposite like to hit Government as hard as they can, but do not seem to be able to stand quite the same amount of hammering from this side of the Council. (Applause.)

Now the hon. Member for Rift Valley asked for assurance about taxation and ways of meeting Emergency expenditure.

(The Member for Finance and Development) I must interject here and say that I congratulate the hon. Member on his speech in this debate. I know he appreciates the difference between additional permanent, recurrent expenditure now being voted to supplementary estimates and absolute Emergency expenditure; and with that difference borne in mind I can state the following position. I can give, of course, no promise for the future. I can repeat that there will be no Interim Budget, there will be no increase in taxation in 1953; but it is my intention to use surplus balance to absorb the shock of the 1953 Emergency expenditure, as I did in my 1952 account, and to the greatest extent possible. I hope that assurance will meet the hon. gentleman. (Applause.) He will realize as much as any Member in this Council, this may mean development being financed almost entirely through borrowing. I hope he will be ready, as I will, to face the results thereafter.

MR. BLUNDELL: I must qualify—it depends what you use the loan on.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I will give the hon. gentleman that, of course.

Now the hon. Member for Nairobi West made a speech which I think is to be regretted in many ways. I will not refer to it at greater length. I will merely express my opinion that there is little to be gained indeed by anyone in this Council or country from what I would rather call the outpourings of somewhat platitudinousrodomontade.

Criticism of policy is one of the main purposes and functions of parliamentary institution, and through the cut and thrust of debate, through the interchange of opinion, there emerges a better shape of policy, and as far as possible agreed grounds. But, Sir, a continuous niggling and carping, denigration of Government, though it may mean a lot of applause from one's immediate hearers and some of one's community, does little good to anyone in this country, and at the present time can do a great deal of harm to all.

Finally, Sir, the hon. Member for Aberdares said, "I have no confidence in the Government". Now I regret that, Sir; all Members on this side of the

Council regret that. They regret that they have no confidence in our capacity to carry forward the work that we are doing. However, Sir, I believe that there are quite a number of Europeans in this country who have confidence in the present Government, and I would remind the hon. Member that this Government had not only to have the confidence of the hon. Member for Aberdares, it has to have the confidence of the hon. Member for Rift Valley; it has to have the confidence of the hon. Member for Eastern Area, Mr. Patel; it has to have the confidence of the hon. Member Dr. Hassan; it has to have the confidence of the hon. Elected Member for Arab Interests; it has to have the confidence of my hon. friend the Member for African Interests, Mr. Mathu; it has to have the confidence of the hon. Members who are sitting on this side of Council as nominated—Mr. Edye, Mr. Cowie, Dr. Karve and Sir Elgō Firbhal. For any Government in the circumstances of our country must have the confidence, and I repeat, for any Government in the circumstances of our country must have the confidence, not of any one race alone but of all races. (Applause.) It must have the confidence of those people that it is a firm, fair and just Government, acting as an impartial umpire in racial differences, driving, regardless of unpopularity, with one or other section of the community, driving always towards what is good for the country, its people and its economy; for without that confidence no Government can stand in this country for any length of time, whoever its members may be. (Hear, hear.) Against that background, having regard to limits of manpower and our general resources, admitting our failures and claiming our successes in the Emergency and in peaceful development, I believe that if this Council were asked to vote on this matter as to whether the Government enjoyed the confidence of the Council or not, its vote, I think, would show that it has that—its Government has the confidence of the Council, because, taking into account all things, it has—in the words of the Lancashire Fusiliers—"done a real good job". (Applause.)

The question that Mr. Speaker do now leave the Chair was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Charles Mortimer, C.B.E., in the Chair]

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that—

BE IT RESOLVED that a sum of £1,000,000 be allocated to meet expenditure arising from the State of Emergency.

I think that is all I have to say.

THE CHAIRMAN: May I take it that that applies also to other hon. Members.

Question proposed.

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee doth report to Council its agreement with the Resolution on the Order Paper.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Supply has considered the Resolution under Order No. 3 in the name of the Member for Finance and Development and has approved the same.

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

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

Committee of Ways and Means—Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

(Sir Charles Mortimer, C.B.E., in the Chair)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move the Motion as it stands on the Order Paper omitting all the "Whereas" and coming down to—

BE IT RESOLVED that this Council agrees with the decision of Government that the N.A.A.F.I. be authorized to regard members of the Kenya Regiment as entitled persons for the purpose of purchasing from the Institute for such period, not extending beyond the period of the present Emergency as the Governor may direct.

I do not imagine that there will be a great deal of debate on this, but there are certain facts which I must place on record. The present arrangements whereby dutiable goods are sold by the N.A.A.F.I. are exempt from both customs and excise duty stem from an agreement reached by the Governor's conference in 1947—in February, 1947. Three arguments were put forward by the Service Authorities. The first that direct taxation is relatively higher than indirect taxation in the United Kingdom whereas the reverse is the case in East Africa. (2) That service personnel stationed in East Africa are subject to the United Kingdom rates of income tax. Therefore, they have got the worst of two worlds. In most Colonies, duties are not applied to the N.A.A.F.I. stores. Personnel stationed in East Africa, therefore, have been penalized compared with the personnel stationed elsewhere. In 1947 overseas allowances were reduced by 50 per cent somewhat reluctantly. I think I am right in saying that the hon. Members opposite amongst whom I then figured, were a little uneasy about the extension of this privilege. Somewhat reluctantly the Treasury gave way. That, Sir, is the position of the N.A.A.F.I. privileges. I would like here to pay my mead of praise along with the overwhelming praise that has been given to the members of the Kenya Regiment for the work they have done in this Emergency. (Applause.) I would like to pay an equal tribute to all members of the security forces who are in the field or in the office because very often they are only

(The Member for Finance and Development) in the office because that is where they have been ordered to stay. Representations have been made that members of the Kenya Regiment who are undergoing considerable hardships in the field should have privileges extended to them as the Order Paper shows. The Government has agreed and it is moving this particular resolution. I think I would like however, to remove one or two misapprehensions that do seem to be in the minds of one Member and of the public. That is the question of the Kenya Regiment pay. Now on 17th March the Treasury agreed that all members of the Kenya Regiment carrying out sergeants' duties should be paid acting rates. The Officer Commanding proved to the satisfaction of the Treasury that, indeed, every member of the Kenya Regiment was shouldering such a responsibility so that the sergeants' pay now represents the minimum pay being paid to any member of the Kenya Regiment. The total emoluments—I refer particularly to married sergeants—compare very favourably—or shall I just say favourably—with the lowest paid officers in the Kenya Police Reserve.

The N.A.A.F.I. duty free ration for a single or unaccompanied married sergeant comprises per month two bottles of spirits—four if married—beer and 1,000 cigarettes and the value is assessed to a single or unaccompanied married sergeant at £42 per annum. Now, Sir, a large number of Kenya Regiment sergeants will be serving by the side of British Army sergeants in the same conditions of the field and it might be interesting to the hon. Members of this Council to have a comparison in the rates of pay and net income:—

	Income	Taxes	Net Income
British Army—			
Sergeants (single)	£ 449	£ 78	£ 371
Married—			
No children	631	134	497
Kenya Regiment—			
Single	411	22	389
Married—			
No children	539	14	525

The present strength of the Kenya Regiment is 480 officers and men. So that the minimum loss of revenue which

could be expected from this measure is some £20,000 per annum. Now, Sir, Government recognizes the work the Kenya Regiment has done: it recognizes the difficulties in facing these—what I would call—obvious differences of privileges when working side by side and therefore Government moved this measure, but there is a question, and it is a question which must worry the Treasury very much, it is a question on which I would like an expression of opinion from hon. Members on the other side of the Committee.

It is the question of pressure to extend this to other groups of security forces who might feel they are serving under equally difficult conditions with a comparable rate of pay. They might feel that they are being unjustly treated if the privileges are not extended to them.

Now, there are two points to that, Sir, that there is no organization to provide facilities for them and it would have to be set up independently. The second thing is, Sir, and from the point of view of this Council it is a very serious thing, if this is extended over the range of the security forces, it would mean a loss in revenue of from some £290,000 to some £400,000. So, Sir, I hope that I will not be thought to be moving this Motion in niggardly fashion, I am trying to put the position clearly before the Council because Government feel it can only move the resolution on two bases. The first is an agreement that the hon. Members opposite will actively assist in resisting the pressure to extend this privilege. The second is that the concession should, as in the terms of the Motion, not extend beyond the period of the present Emergency as the Governor may direct.

Question proposed.

MR. BLUNDELL: Mr. Chairman, I wish to intervene only briefly. First of all, I think that the Member for Finance and the Government generally are to be congratulated in moving this Motion and I would like, on behalf of the Members on this side of the Council, to thank them.

The hon. Member for Finance has taken a certain risk in making this decision. I think he should recognize it. The second point is this, I believe that the Kenya Regiment has well earned—more than earned—the extension of the

[Mr. Blundell] N.A.A.F.I. privilege to it during the period of the emergency. Lastly, we would support the remarks of the hon. Member for Finance in regard to the extension of this facility. I think I am correct in saying that that privilege of a rebate on the purchases from the N.A.A.F.I. come under a special Ordinance which cannot be extended to the forces outside those called military. It would be our intention to make sure that an extension of those facilities is not made. We think to do so would not only harm the economy of the country as far as revenue is concerned but would undoubtedly extend the privilege to those to whom it originally applied. The hon. Member can rest assured that we will give our support in resisting this measure.

Just to finish, I would like to thank him again for what I believe is a sensible and wise act because we are giving the Kenya Regiment the same status as any other regiment and they have more than earned it.

Mrs. Shaw: I rise to support this Motion most strongly and I am glad of the opportunity to pay tribute to the wonderful contribution that the men of all ranks of the Kenya Regiment have made to the people of the Colony since the Emergency began. For, in my opinion, the Kenya Regiment have borne much of the heat and burden of the day. They have been on active full time service since October. In "I" force, they have provided us with the main striking force against the terrorists. They have manned 45 police posts in the Kikuyu land unit for months at a time, often isolated in lonely parts in two or three, inadequately protected from the raids of the gangs of upward of a hundred strong and by their presence in those posts, I believe, have succeeded in building up a hope in a bewildered people of a most badly frightened tribe.

The measure of success of these young men of "Ray" force has been the ferocity with which the gangs attacked these posts. They have been seconded to army units to act as interpreters and, indeed, these men of the Kenya Regiment with their love of this country, their specialized knowledge and high courage are the hard core of the resistance. To them, you would think that a grateful Government would have long ago repaid their services

in every way and yet what have we found? That in the last months, they have been short of essential equipment, of ground sheets, of suitable great-coats and under-weaponed sometimes and under-paid. This has been the treatment that these lads whose, to quote a very excellent letter by a parent in the *East African Standard*, their "only fault" is that most of them were public-spirited enough to join the Regiment long before the Emergency. As a Kenya parent, I agree with every word of that excellent letter. To quote the letter with your permission: "These detachments are constantly on patrol in forest areas on tours of about a week; they carry their own camp equipment—such as it is—their food and supplies are dropped from aircraft. Cold, wet and often hungry and tired out, they have to be constantly on the alert for ambushes while trailing gangs of murderous rebels. That in short is what the Kenya Regiment boys have been doing for months past."

Is it any wonder that when they see other units better equipped, better paid, accorded privileges such as N.A.A.F.I. denied to them; that they should feel neglected. In my small way, I have tried to help to bring their need to the notice of people in the right quarter and I am glad to say that their pay since March has been adjusted, bringing them into line with other units. Also, their equipment is now better.

If I may, I will read an extract from one of their letters: "Sleeping-bags arrived a short while ago and are an unqualified success, being far warmer than two blankets and two-thirds of the bulk and under half the weight. Thank you again for pursuing the 'domestic anxieties' of the Regiment and thanks to Mr. Havelock in particular, Michael Blundell's visit to the Regiment has gone down awfully well and we hope to see more of him and/or members of his team."

This shows how appreciative they are of our help which I maintain they have earned as part of their right. I suggest to the hon. Members opposite that the contribution we in this Colony receive from the men of the Regiment—our Regiment—outweighs any consideration of a loss in custom duties were Government to afford them N.A.A.F.I. privileges.

I beg to support.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I rise with a note of regret in my voice. I thank the hon. Member for Rift Valley for the nice way in which he received this Motion and for the recognition of the difficulties in which Government was involved.

I regret I cannot thank the hon. Member for Nyanza. She has made an attack which I think would be quite easy in many ways to defend in detail. I think I have tried to make this gift a clear stream of water and I do not propose to muddy it with the turmoil of debate.

MR. BLUNDELL: I was wondering whether the stream would be gin-clear!

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee report to Council its agreement with the Resolution on the Order Paper.

Question proposed.

Question put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion under Order No. 4 and has expressed its agreement therewith.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that Council do resolve with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

MOTIONS

AMENDMENT TO SECOND SCHEDULE TO THE PENSIONS (INCREASE) ORDINANCE, 1951

THE SECRETARY TO THE TREASURY: Mr. Speaker, I beg to move:

BE IT RESOLVED that this Council approves an amendment being made to the Second Schedule to the Pensions (Increase) Ordinance, 1951, by order of the Governor in Council made under proviso (iii) to sub-section (2) of section 3 of the Ordinance, to provide that with effect from the 1st May, 1953, where the pension is a

pension specified in the First Schedule to the Ordinance then subject to the provisions of the Ordinance—

(a) if the pension does not exceed £70 per annum the increase shall be 30 per centum of the amount of the pension;

(b) if the pension exceeds £70 per annum but does not exceed £210 per annum the increase shall be 30 per centum of the first £70 of the pension and 7½ per centum of the remainder of the pension.

Mr. Speaker, this Resolution seeks to give approval to an increase in the rate of pensions under £210 per annum. As supply was granted on Wednesday, I do not propose to go into any detail and shall treat the matter as formal.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

MR. COOKE: Mr. Speaker, I have a very few remarks to make. On a point of order, I ask is it necessary to read out the whole of a Motion of this nature twice? Perhaps the Sessional Committee will deal with that.

This is a matter which concerns the lower-paid pensioner who was very badly treated when the pensions increase took place a few years ago. They are the people who are living on the margin of subsistence; they are people, if I may mention their categories, like nursing sisters, road foremen, people like that, I think that when the cost of living has gone up so much as it has in recent years, their case should be given a little more consideration than it has. I have talked to the Secretary to the Treasury this morning and I think he is sympathetic—I know the hon. Member for Finance is, when we have brought up the question to him he has always been sympathetic—but I do ask, Sir, that the pensions of these people should be given further consideration, because they are suffering very great injustice. They are people who are living on the margin of subsistence and they have not benefited by the increased pensions to the extent they should have—the increases which were given a few years ago. I should like an assurance from the hon. Member that he will get in touch with the Pensioners' Association about this and give

[Mr. Cooke]

this particular matter his attention, to see that justice is done, and if necessary, make it retrospective afterwards, because I think in equity they have suffered, and it should be retroactive.

THE MEMBER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, I am quite willing to give the assurance that the hon. Member for the Coast wants. He knows well enough that we have met once or twice on this matter. I must apologize for the rush of business of the last eight weeks which has meant that the file has literally been sitting on my desk waiting to be attended to, but I hope before long to consider the anomalies he has referred to, and if machinery of that kind can be set up, then again I assure him, as I have said, that we shall attempt to do so.

THE SPEAKER: I take it the hon. Member does not wish to reply.

As regards to the point of order raised just now. Standing Order No. 37 says—"When a Motion has been made and seconded, a question thereon shall be proposed to the Council by Mr. Speaker". I do not know how—I try to get out of that myself. Whenever I can condense a long Motion I do so, but this is one I cannot condense, I simply have to read it out, by the Standing Orders.

The question was put and carried.

THE SPEAKER: I hope the hon. Member for the Coast will not accuse me of wasting time! I do not think it worth while reading the next order now. We shall suspend business until two-thirty p.m.

THE CHIEF SECRETARY: Would it suit your convenience if we carried straight on now, Sir?

THE SPEAKER: If you are going on indefinitely—if we are going to sit this afternoon we will pass time for interruption for business now but I do not know what your intentions are; I was informed you would resume again at 2.30.

THE CHIEF SECRETARY: By the stage we have reached on the Order Paper now, it seems we might get through by 1.15.

MR. SPEAKER: There are several orders on the Order Paper—very well, I will leave the Chair.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Sir Charles Mortimer in the Chair]

The Customs Tariff (Amendment) Bill Clause 2

THE SPEAKER TO THE TREASURY: I beg to move that the word "parcel" occurring in the new Part 7 inserted in the Schedule be deleted.

The purpose of the deletion is that gifts are normally sent by parcel post and we thought in using the words "parcel post" we covered all gifts but apparently some gifts come by letter post, so by deletion of the word "parcel" those gifts will not be subject to customs duty.

Question proposed.

The question of the amendment was put and carried.

THE SPEAKER: The question that clause 2, as amended, stand part of the Bill was put and carried.

The Development Loan Bill

Clause 3

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the following proviso be added to section 3 (1):—

Provided that any balance of such sums remaining after defraying the expenses of issue may be applied in payment of Stamp Duties on transfers of stock issued under this or any other Ordinance.

As the Ordinance was originally drafted any sums raised to defray the expenses of issue can be applied only to that purpose. It is not possible to foresee exactly what the expenses of issue will be and there is always some balance left over out of the amount allowed for in the loan prospectus. It is proposed that the savings on the expenses of issue should be transferred to the Stamp Duty Reserve Fund. It is also proposed that at a subsequent session of the Legislative Council the necessary legislation

[The Member for Finance and Development] should be passed providing for the transfer of the savings on the 1951 Development Loan and the 1952 Development Loan to the Stamp Duty Reserve Fund.

If hon. Members have any doubts about the principles involved, they may find that that will be a more convenient time to debate.

Question proposed.

The question of the amendment was put and carried.

The question that clause 3, as amended, stand part of the Bill was put and carried.

The Crown Lands (Amendment) Bill Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that under Order No. 6 a Committee of the whole Council has considered The Customs Tariff (Amendment) Bill, clause by clause, and has approved the same with amendment.

BILLS

THIRD READING

The Customs Tariff (Amendment) Bill

THE SECRETARY TO THE TREASURY: I beg to move that The Customs Tariff (Amendment) Bill be now read a Third Time and passed.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question that The Customs Tariff (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: I beg to report that the Committee of the whole Council has considered The Development Loan Bill, clause by clause, and approved the same with amendment.

BILLS

THIRD READING

The Development Loan Bill

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that The Development Loan Bill be now read a Third Time and passed.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question that The Development Loan Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that under Order 8 a Committee of the whole Council has considered the Crown Lands (Amendment) Bill, clause by clause, and has approved the same without amendment.

BILLS

THIRD READINGS

THE CROWN LANDS (AMENDMENT) BILL

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: I beg to move that the Crown Lands (Amendment) Bill be now read a Third Time and passed.

THE CHIEF SECRETARY seconded.

Question proposed.

The question that the Crown Lands (Amendment) Bill be read a Third Time was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTIONS

SETTLEMENT AND APPORTIONMENT OF CIVIL AVIATION COSTS

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I beg to move:

BE IT RESOLVED that this Council approve the basis of financial settlement with Her Majesty's Government and the principles of apportionment of expenditure between the East African Governments in relation to the costs of civil aviation ground services and meteorological services as set

[The Member for Commerce and Industry] out in the Paper on Civil Aviation—Expenditure on Ground Services, laid before this Council on 6th May, 1953.

Mr. Speaker, a paper has been circulated which gives all the details. It represents the best bargain we could make, both in respect of Her Majesty's Government and in respect of the other territorial Governments. I have no hesitation in commending this Motion to the Council.

I beg to move.

THE MEMBER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read.

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT: Mr. Speaker, may I respectfully suggest that as this next Order is Supplementary Estimates, putting into effect the Motion that has just been passed, if you will be so good as to remain in the Chair, it will save your going up and down the stairs.

THE SPEAKER: Very well, I will take the Chair in the Committee.

Mr. Speaker left the Chair.

IN THE COMMITTEE

[Mr. W. K. Horne in the Chair]

SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE COLONY AND PROTECTORATE OF KENYA

(No. 3 of 1953)

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move: that a sum not exceeding £165,064 be granted

to the Governor on account for or towards defraying the charges for Supplementary Estimates of Expenditure, 1953 (No. 3 of 1953).

This Supplementary Estimate authorizes payment of the amount mentioned in the Sessional Paper which has just been adopted by the Council.

Question proposed.

The question was put and carried.

THE MEMBER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee doth report to Council its agreement with the Resolution on the Order Paper.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORTS

SIR CHARLES MORTIMER: I beg to report that the Committee of Supply has considered the Motion submitted to it and has approved the same.

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

THE MEMBER FOR HEALTH, LANDS AND LOCAL GOVERNMENT seconded.

Question proposed.

The question was put and carried.

THE SPEAKER: That, I think, concludes the business on the Order Paper, and subject to any summons of Council in the Emergency, Council will now stand adjourned until the 21st day of July at 10 a.m. in the morning.

ADJOURNMENT

Council rose at fifty-five minutes past Twelve o'clock p.m.

WRITTEN ANSWER TO QUESTION

QUESTION No. 90

MR. CHANAN SINGH:

Will the Member for Agriculture and Natural Resources—

- (i) Give details of land which has, since the setting up of the Indian and Arab Settlement Board, been offered to Indians and Arabs for settlement purposes?
- (ii) Indicate what opinions were expressed by his agricultural and water experts on the suitability or otherwise of the areas so offered for agricultural purposes?
- (iii) State the size of holdings and the terms on which they were offered and whether the holdings were taken up?

Reply:

Since the setting up of the Indian and Arab Settlement Board, proposals have been made in respect of three areas in the Colony, with a view to Indians and Arabs being settled on the land, namely at Makindu/Kiboko, Mackinnon Road and Mtswapa Creek.

2. The Makindu/Kiboko proposals were dropped as it was found that the area was required for African settlement.

3. As regards the Mackinnon Road project, this referred to an area of about 600 square miles of open grassland in the Mackinnon Road/Kaigau area. It was proposed that Indian and Arab farmers should be established there as dairy farmers or cattle ranchers; the grass cover was estimated to be capable of carrying stock at a rate of one beast per 20 acres, and although tsetse fly was present, the area was only lightly infested. The main difficulty was water supplies, the existing supplies being very sparse and seasonal only. It was decided that before establishing a test herd of cattle in the area, investigations should be carried out to ensure an adequate supply of suitable water. Extensive and protracted investigations were carried out; after a number of boreholes were abandoned owing to their low yield and the extreme salinity of the water, a further survey of the area was carried

out with a view to discovering suitable sites for the construction of dams or water pans. This survey showed that it would be impracticable to establish an adequate water supply in the area by such means; as a result the scheme had to be abandoned for lack of water. Later inquiries were made into the possibility of taking over the Mackinnon Road Military pipe line but it appeared that the cost of water obtained from that source would be in the region of Sh. 10 per thousand gallons, if interest on capital and depreciation were taken into account.

4. The Mtswapa Creek Settlement Scheme was the only one of these proposals to reach the stage of the land actually being offered to would-be settlers. An area of 3,840 acres of Crown Land, lying between the Mombasa/Malindi main road and Mtswapa Creek was made available to the Indian and Arab Settlement Board for the establishment of an assisted settlement scheme. Before applications for the land were called for, a thorough investigation of the area, from the water supplies and agricultural standpoints, was carried out. For the purposes of this investigation the block of land was divided up into areas I, II and III.

Area I of 800 acres was reported as consisting of rolling country, with a thick grass cover suitable for annual crops and vegetables, pawpaws and bananas but not for tree crops; the grazing was said to be good, although tsetse fly was prevalent. As regards water, a successful borehole had been sunk with a yield of 1,120 gallons per hour; in addition there were several good dam sites with a clay sub-stratum.

Area II consisted of 300 acres of flat, fairly open, grassland with patches of scrub, having a dark, sandy, loamy soil, suitable for all types of agriculture both annual and tree crops; the area was infested with tsetse fly. Two boreholes were successfully drilled giving 560 and 1,050 gallons per hour respectively, while two possible dam sites were located.

Area III comprised 1,800 acres of flat land, almost entirely covered with dense bush or scrub, the soil being friable and sandy, suitable for all types of tree crops

but not for permanent and annual crops, vegetables, pawpaws, bananas, etc., without heavy manuring; the area was heavily infested with tsetse fly. As regards water supplies, although the two boreholes which were put down were unsuccessful (the first collapsing and the second being abandoned owing to sand infiltration) water was proved at a depth of 112 feet, thus indicating that an ample supply might be obtained by sinking a well.

It should be appreciated that the Director of Agriculture and the Provincial Agricultural Officer, Coast Province, are both recorded as having stated that this land at Mtswapa Creek was the best available Crown Land at the Coast.

5. With regard to the third part of the question, the size of holdings offered varied between 150 and 300 acres; the terms consisted of a Stand Premium of £2 per acre in the northern section and Sh. 10 per acre in the southern section, with a 20 cents per acre per annum rental in both sections; in addition, each settler was to be responsible for a proportionate share of the cost of the development carried out by Government (approximately £6,000). The lease was, in each case, to be for a term of 99 years. One of the conditions on which the

grants were to be made was that the grantee should personally occupy the land for the first five years; transfer of ownership of the plot was to be prohibited throughout the term of the lease, except with the permission of the Commissioner of Lands.

6. One of the conditions pre-requisite to the acceptance of any application was that the applicant should first visit the settlement area; out of the six persons who visited the area, only one submitted an application—a further two persons applied without first visiting the area. Of these three applicants, only one intended to farm the land himself, the other two being businessmen looking for an investment. This lack of interest appears to have been due to the very limited number of Indians and Arabs with an agricultural background who genuinely desire to acquire land for agricultural purposes and to live on such land and farm it personally. The limited water supplies available, which were insufficient for irrigation, a traditional method of cultivation much favoured by Asians and Arabs, may also have been a deterrent to applicants. On the unanimous recommendation of the Indian and Arab Settlement Board the scheme was eventually abandoned owing to lack of suitable applicants.

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VOLUME LV

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