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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXVIII

1958

THIRD SESSION

4th November, 1958, to 10th December, 1958

List of Members of the Legislative Council

Speaker:

THE HON. SIR FERDINAND CAVENDISH-BENTINCK, K.B.E., C.M.G., M.C.

Chairman of Committees:

*THE HON. D. W. CONROY, O.B.E., T.D., Q.C.

Ministers:

THE CHIEF SECRETARY (THE HON. W. F. COUTTS, C.M.G., M.B.E.).

THE MINISTER FOR LEGAL AFFAIRS (THE HON. E. N. GRIFFITH-JONES, C.M.G., Q.C.).

THE MINISTER FOR AFRICAN AFFAIRS (THE HON. C. M. JOHNSTON, C.M.G.).

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. M. BLUNDELL, M.B.E.).

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, C.M.G., O.B.E.).

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (THE HON. W. B. HAVELOCK).

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. W. A. C. MATHIESON, C.M.G., M.B.E.).

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. D. L. BLUNT, C.M.G.).

THE MINISTER FOR COMMERCE AND INDUSTRY (THE HON. A. HOPE-JONES, C.M.G.).

THE MINISTER FOR WORKS (THE HON. I. E. NATHOO).

THE MINISTER FOR COMMUNITY DEVELOPMENT (THE HON. C. M. JOHNSTON, C.M.G.).

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. N. F. HARRIS).

THE ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAN, Q.C.).

THE MINISTER FOR TOURISM AND COMMON SERVICES (THE HON. W. E. CROSSKILL).

THE MINISTER FOR HOUSING (THE HON. M. S. AMALEMBDA).

*THE MINISTER FOR LEGAL AFFAIRS (TEMPORARY) (THE HON. D. W. CONROY, O.B.E., T.D., Q.C.).

†THE MINISTER FOR FINANCE AND DEVELOPMENT (TEMPORARY) (THE HON. K. W. S. MACKENZIE, C.M.G.).

Assistant Ministers:

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. WANYUTU WAWERU, M.B.E.).

THE ASSISTANT MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY).

Constituency Elected Members:

European—

THE HON. R. S. ALEXANDER (Nairobi West).

THE HON. F. W. G. BOMPAS, E.D. (Kiambu).

GROUP CAPT. THE HON. L. R. BRIGGS (Mount Kenya).

THE HON. S. V. COOKE (Coast).

†THE HON. W. E. CROSSKILL (Mau).

MAJOR THE HON. F. W. J. DAY (Aberdare).

†THE HON. N. F. HARRIS (Nairobi South).

AIR COMMODORE THE HON. E. L. HOWARD-WILLIAMS, M.C. (Nairobi North).

THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).

THE HON. SIR CHARLES MARKHAM, B.I. (Ukamba).

THE HON. J. R. MAXWELL, C.M.G. (Trans Nzoia).

MAJOR THE HON. B. P. ROBERTS (Rift Valley).

THE HON. MRS. A. R. SHAW (Nyanza).

THE HON. C. G. USTER, M.C. (Mombasa).

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

African—

THE HON. F. J. KHAMISI (Mombasa Area).
 THE HON. J. G. KIANO, Ph.D. (Central Province South).
 THE HON. B. MATE (Central Province North).
 THE HON. T. J. MBOYA (Nairobi Area).
 THE HON. D. T. ARAP MOI (North Rift).
 THE HON. J. N. MUMI (Kilui).
 THE HON. M. MUKIRO (Nyanza North).
 THE HON. D. N. MUMO (Machakos).
 THE HON. R. G. NGALA (Coast Rural).
 THE HON. J. J. M. NYABAI (Nyeri and Embu).
 THE HON. A. OGINGA-ODINGA (Nyanza Central).
 THE HON. L. G. OGIDA (Nyanza South).
 THE HON. J. K. OLE TIPS (Central Rift).
 THE HON. T. TOWETT (Southern Area).

Asian—

THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
 THE HON. A. B. JAMIDAR (Central Electoral Area).
 THE HON. J. C. M. NAZARETH, Q.C. (Western Electoral Area).
 THE HON. A. J. PANDYA (Eastern Electoral Area).
 THE HON. K. D. TRAVADI (Central Electoral Area).
 THE HON. ZAFRUD DEEN (West Electoral Area).

Arab—

THE HON. SHEIKH MAHFOOD S. MACKAWI.
 THE HON. SHARIF M. A. SHATRY.

Specially Elected Members:

†THE HON. M. BLUNDELL, M.B.E.
 †THE HON. W. D. HAVELOCK,
 LT.-COL. THE HON. B. R. MCKENZIE, D.S.O., D.F.C.
 THE HON. H. SLADE.
 †THE HON. M. S. MALEMBA.
 THE HON. J. M. MUGIIRA.
 THE HON. N. G. NONGE.
 †THE HON. WANYUTU WAWERU, M.B.E.
 †THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY.
 †THE HON. I. E. NATHOO.
 †THE HON. C. B. MADAN, Q.C.
 THE HON. N. S. MANGAT, Q.C.

Nominated Members:

THE HON. K. BECHGAARD.
 †THE HON. D. L. BLUNT, C.M.G.
 THE HON. J. H. BUTTER, M.B.E. (Acting Secretary to the Treasury).
 THE HON. M. H. COWIE, E.D. (Director of the Royal National Parks).
 THE HON. MRS. J. T. GECHEON.
 COMMANDER THE HON. A. B. COOPER, D.S.C., R.I.N. (Retd.).
 CAPTAIN THE HON. C. W. A. G. HANLEY, O.B.E., R.N.
 THE HON. H. G. S. HARRISON, M.B.E.
 THE HON. SHEIKH MBARAK ALI HINAWY, O.B.E.
 COLONEL THE HON. H. R. JACKMAN.
 THE HON. E. T. JONES.
 THE HON. SHARIF KULLATEIN, M.B.E. (Northern Province).
 THE HON. J. A. LUSIGNO.
 THE HON. D. S. MILLER, C.B.E. (Director of Education).
 THE HON. BALDEV SAHAI MOHINDRA, O.B.E.

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

Nominated Members—(Contd.)

THE HON. ABDUL HUSSEIN NURMOHAMMED.
 THE HON. JONATHAN NZIOKA.
 THE HON. SIR ENOO FIRSHIAI, O.B.E.
 THE HON. P. J. ROGERS, C.B.E.
 THE HON. C. W. RUBIA.
 THE HON. KIRPAL SINGH SAGOO.
 THE HON. SHERIFF A. SALIM.
 THE HON. P. H. SMITH.
 THE HON. R. J. M. SWYNNERTON, O.B.E., M.C. (Director of Agriculture).
 THE HON. G. A. TYSON, C.M.G.
 THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services).
 †THE HON. A. M. F. WEBB (Acting Solicitor-General).
 THE HON. W. H. GUNSON (Temporary).
 THE HON. SIR ALFRED VINCENT.

Clerk of the Council:

A. W. PURVIS.

Clerk Assistant:

H. THOMAS.

Assistant Serjeant-at-Arms:

G. L. STANLEY.

Reporters:

MISS S. A. RIDDICK
 D. BUCK.

MRS. M. M. STEVENSON
 MISS R. SEELEY

Hansard Editor:

MRS. J. FRYER.

* Deputy Speaker and Chairman of Committees.

† Also included in the list of Ministers or list of Assistant Ministers.

‡ The Hon. E. A. Vasey resumed duty as Minister of Finance from 4th December, 1958, to 15th December, 1958.

§ Ceased to be Acting Solicitor-General, 6-12-58.

The Hon. E. N. Griffith-Jones resumed duty as Minister for Legal Affairs with effect from 6th December, 1958, when Hon. D. W. Comoy proceeded on overseas leave.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

ELEVENTH COUNCIL

THIRD SESSION

Tuesday, 4th November, 1958

The House met at Three o'clock.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair)

PRAYERS

The prayers were read by the Bishop of Nombasa.

ADMINISTRATION OF OATH

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

William Henry Gunson.

COMMUNICATIONS FROM THE CHAIR

OPENING OF NEW SESSION BY HIS EXCELLENCY THE GOVERNOR

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Hon. Members, I have had a communication from His Excellency the Governor, which reads as follows:—

"I am directed to inform you that His Excellency the Governor wishes to address the Legislative Council formally on the first day of the new Session, and that it would be convenient for His Excellency to arrive at Parliament Buildings for this purpose at 3.30 p.m. on Tuesday, 4th November, 1958."

ASSENT TO BILLS

I have a further communication to make which I have had from His Excellency the Governor, as follows:—

"I am directed to inform you that His Excellency the Governor has assented to the following Bills which were passed by the Legislative Council at their October meeting:—

No. 37.—The Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Ordinance, 1958.

No. 38.—The Foreign Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 1958.

No. 39.—The Interpretation and General Provisions (Amendment) Ordinance, 1958.

No. 40.—The Guarantee (High Commission Railways and Harbours Loan) Ordinance, 1958.

No. 41.—The Equitable Mortgages (Amendment) Ordinance, 1958.

In addition Ordinance No. 36 the Banks' Title to Land (Amendment of Laws) Ordinance, 1958, which was reserved for the signification of Her Majesty's Pleasure has received Her Majesty's Pleasure to assent and the necessary Proclamation was signed by His Excellency on October 24th."

PAPERS LAID

The following Papers were laid on the Table:—

Sessional Paper No. 1 of 1958/59
Statement of Government Policy.

The Immigration (Prescribed Organization) (Amendment No. 3) Regulations, 1958.

(BY THE CHIEF SECRETARY (Mr. Courts))

The Accounts of the Crown Estates Development Fund for the year ended 31st December, 1957.

(BY THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

Registrar of Co-operative Societies Annual Report, 1957.

(BY THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston))

The Land Development Loans (Short-term Development) (Interest) (Amendment) Rules, 1958.

The Water (Water Resources Authority Membership) Rules, 1958.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

The Compulsory Military Training (Pay, Allowances, Compensation and Entitlements) Regulations, 1951, Order.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack))

Report by the Acting Controller and Auditor-General on the Balance Sheet for the year ended 31st March, 1958, in respect of loans issued under the Gold Mines Development Loans Ordinance, 1952.

Mines and Geological Department Annual Report, 1957.

(BY THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones))

NOTICES OF MOTIONS

SESSIONAL COMMITTEE REPORT

THE CHIEF SECRETARY (Mr. Courts):
Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council do adopt the Report of the Sessional Committee dated 16th October, 1958, and do make the amendments therein recommended, such amendments to take effect on and subject to the approval of the Governor.

EVICTION OF TENANTS CONTROL

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT the Eviction of Tenants (Control) (Mombasa) Ordinance, 1956, be extended to 31st December, 1960.

MR. ALEXANDER: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

PUBLIC ACCOUNTS COMMITTEE

THAT the Report of the Public Accounts for the year ended 30th June, 1957, which was laid on the Table of this Council on 14th October, 1958, be noted.

Secondly:—

IMMIGRATION ORDINANCE, 1956

THAT this Council urges Government to undertake a study of the Immigration Ordinance, 1956, with the object of introducing amending legislation to place the Ordinance on a non-racial basis.

MR. MATE: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

ABOLITION OF COMMUNAL LABOUR

THAT this Council urges that communal labour as provided for under paragraph (k) of section 10 of the Native Authority Ordinance (Cap. 97) be abolished.

MR. SLADE: Mr. Speaker, Sir, I beg to give notice of the four Motions following:—

Firstly:—

TRANSPORT OF OIL BY ROAD

THAT this Council recognizes the importance of allowing a reasonable proportion of the Colony's oil requirements to be transported from Mombasa to Nairobi by road both in the

[Mr. Slade]

public interest and in fairness to existing contractors.

Secondly:—

LAND AND AGRICULTURAL BANK

THAT, having regard to the urgent need of further capital for agricultural development, especially in the wake of land consolidation, this Council urges Government to investigate the possibility of expanding the resources of the Land and Agricultural Bank of Kenya, or establishing an additional Land Bank, by means of deposit accounts.

Thirdly:—

NAIROBI VAGRANT AFRICAN CHILDREN

THAT in view of the problems created by vagrant African children in Nairobi and other urban areas, and by their continual return to such areas after removal therefrom, this Council urges Government to intensify measures for the control and care of such children; by providing for identification of habitual vagrants, and by requiring parents and African district councils to accept their respective responsibilities for such control and care.

Fourthly:—

CIVIL SERVICE CONDITIONS OF EMPLOYMENT

THAT a Committee, consisting of persons resident in Kenya, be appointed to consider and advise this Council upon possible modifications of inducement pay, overseas leave, and other conditions of employment of the Civil Service in this Colony.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think this might be a suitable moment to interrupt business in order to await the arrival of His Excellency the Governor.

SUSPENSION OF BUSINESS

Council suspended business at twenty minutes past Three o'clock and resumed at thirty-eight minutes past Three o'clock.

COMMUNICATION FROM THE CHAIR BY HIS EXCELLENCY THE GOVERNOR

HIS EXCELLENCY THE GOVERNOR:—

Mr. Speaker, Honourable Members of the Legislative Council:

Since I last addressed you there have been considerable constitutional changes. After long discussions with all groups in this country, the Secretary of State for the Colonies made a number of decisions. These have led to an increase in the size of the Legislative Council, to the introduction of Specially Elected Members, to the establishment of the Council of State and to an increase in African representation. I think that the ideas in his mind when these decisions were made were well set out in a statement to the Press. In this he said:—

"I believe there is great opportunity here for people of all races to work together and to build up in co-operation a fine country in which all who have made their home here can live in security and prosperity. I do not, however, see any prospect in the foreseeable future of the holder of the office in the United Kingdom Government which I now hold being able to abandon his responsibilities in respect of Kenya. I believe that for many years to come it will be necessary for the Government of this country to include a certain number of official members and for ultimate control to remain with a Governor responsible to Her Majesty's Government in the United Kingdom. At the same time I am sure that it is right to associate people of the country of all races with its Government. The Government of Kenya must be in the hands of responsible people. It is our task to do all we can to increase the number of responsible Kenyans and to give them all possible encouragement to work in harmony together."

2. Following these decisions we now, for the first time in Kenya's history, have some Elected Members of the Legislative Council who have been returned by voters who are not all of one community. There is the Council of State which has made a good start, and its members, when questioning the Hotel Regulations which affected severely the poorer class of hotels, have shown that they are alive to their duties. Another notable feature of recent changes is, that the number of African Elected Members, of both kinds, has increased from six in 1956 to eight in 1957, and to 18 now. The African Minister for Housing, Mr.

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Musa Amalamba, has powerfully assisted the Government, and we in the Government believe also that the country will benefit from the presence in the Council of Ministers of a second African Minister.

3. From all this it is clear that the Secretary of State and the Government here have made substantial political changes. We have now constitutional arrangements which I hope will provide a feeling of security for the people of all races. We have also a constitution which is flexible and again, as Mr. Lennox-Boyd has remarked:—

"In the proposals I have made the only aspect that was frozen for a period of ten years was the proportion between the different communities for the inter-communal seats."

Yet changes will not take place unless there is negotiation in the true sense of the word; and there can be no question of the exclusion of any section of the people of Kenya. The Government is always open to reasonable suggestions. However, as it is now constituted, it can and, if necessary, it will carry on the administration of the country.

4. The basic constitutional position of the Colony remains unchanged. This is clear from the words of the Secretary of State I have already quoted. It is also well known that the status of the Protectorate of Kenya and its inhabitants is governed by the Agreement of 1895 between Her Britannic Majesty's Government and His Highness the Sultan of Zanzibar. Speaking with the approval of the Secretary of State, I wish to say that this Agreement remains and will remain the basis of the administration of the Protectorate and that the Government is resolved to make sure that full consideration is given to the social well-being and economic interests of His Highness's subjects in the Protectorate.

5. These political changes have taken place and the Government has showed itself willing to go forward with an advance in African political life in a country in which we are still dealing with the aftermath of the violent and prolonged *Mau Mau* movement. In such a country, the administrative burden of the work

of reconstruction after the damage caused by the *Mau Mau* fighting is very heavy and falls on all Government officers. Finally, we go forward in a country which is now feeling the economic effects of the set-back in world trade.

6. Since I first came to this country, I have felt obliged, when speaking to the House, to open my speech with remarks on the security situation. There are still detainees and *Mau Mau* convicts. But they now number 5,000 in round figures, whereas at one time they numbered 77,000. Release after careful examination first in the camps and then in each man's district of origin is continuing at a steady rate. We believe that the present figure will, in a period of months, be greatly reduced. At the same time, there will be some who remain dangerous. These men, either on account of their own record or on account of the state of their districts or on account of both, will be placed eventually under Restriction Orders in a settlement at Hola on the Tana River. This process may take some time to complete. There are still terrorists in the forest. They are, however, few in numbers though they cannot be ignored. Great progress has been made in dealing with the aftermath of the *Mau Mau* movement. It has been possible to relax certain of the restrictions imposed on the Kikuyu, Embu and Meru peoples. Markets have been reopened, movement is much freer, and except certain persons specifically prohibited, all who hold pass books and live in the Kiambu and Thika districts may now make daily visits to Nairobi. Selected farmers have been allowed to leave their villages and live on consolidated holdings. The curfew has been progressively relaxed throughout the Central Province. Most notable of all has been the work of those officers, led by Mr. Johnston, who have made possible the return to peaceful life in their own homes of the many thousands of detainees. This has been because, in spite of checks, a regular system has been adopted which has made possible the release of these men.

7. This successful and all but complete action against the remains of *Mau Mau* terrorism has, however, been endangered to some extent, by certain developments. One has been the appearance of the

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Kiama Kia Muingi movement. This movement is local. In all but one area, its members have been, more or less, middle-aged men, and have been persons formerly active in the *Mau Mau* movement who escaped detention rather than ex-detainees. All the same, in certain places it has gone very deep indeed. The most heinous oaths have been employed and active steps have been taken to organize violence again, notably by the use of poison. Government have taken strenuous measures to deal with the movement. It has undoubtedly been a set-back to our recovery from *Mau Mau* and a continuation of that recovery depends on the complete destruction of *K.K.M.* Recovery also depends on an ability to keep down crime. At the moment, in the rural areas of the Central Province, crime is low, but this is not the case in Nairobi, and I call on all members of the public to co-operate with the Police, who, during the last year, have carried out their difficult task admirably. Finally, I cannot help mentioning one other matter which cannot but delay the recovery from the effects of the *Mau Mau* movement. This is a tendency to develop a cult of Jomo Kenyatta. In the Government's view Kenyatta played a more leading part than any other one individual in the organization of the violent movement which led to the loss of so many lives and to the sufferings endured by the Kikuyu. For this reason Government has no intention of allowing him at the expiry of his sentence to return to any place near the scene of his former activities. Responsible citizens should understand and support this decision. It follows from what I have said that the Government must retain stringent powers to maintain law and order and to keep the peace.

8. Turning from the question of security to that of the recovery from the effects of the Emergency, I can speak words of hope and encouragement. It has been possible to place in employment, either on farms or in forests or on the new irrigation areas, or, more recently in Nairobi, many thousands of released detainees.

9. At the same time, there has taken place in the Central Province what can

only be described as an agrarian revolution following the devoted work of agricultural and administrative officers and the great help given by chiefs, headmen and prominent Kikuyu leaders. The campaign for the consolidation of fragmented holdings, to be followed by the grant of some form of individual title, has gone forward both fast and successfully.

10. Consolidation lays, however, only the foundation of good farming. With it has gone a great increase in soil conservation measures, in water supplies and in the cultivation of cash crops. Thus the number of African coffee growers was 786 in 1946, 8,208 in 1951 and now is about 62,000. The more difficult task, which has defeated other Governments in other countries, of organizing the growing of tea by smallholders has also proceeded very satisfactorily, and in tea and pyrethrum Africans in the high altitude areas now have the possibility of valuable cash crops. In a large part of the Central Province a very important experiment is being made with the introduction of good dairy cattle. In other parts a promising experiment is going on with tractor farming. Throughout the Central Province, as elsewhere, there has been an advance in farm planning, and the holders of the new consolidated farms, while they wait for the complete planning of their farm, will follow a rough and simplified form of farm layout. This, while not producing the complete results of a properly surveyed and worked-out plan, should prevent bad farming.

11. There has been an important advance in health measures. In most villages there are now protected springs, and gradually, in increasing number, there is a piped and filtered water supply. Admirable social and health work has been done by the Red Cross workers and by members of the Community Development Department. The Government is now organizing the training of health visitors on three levels, and we hope to make an important advance in this matter. Looking back over the years since I first arrived, one of the most disappointing features of the setback given to the Colony by the *Mau Mau* movement is in the field of health. To my mind, in the African areas of many

[H.E. the Governor]

African colonies too much is spent on expensive hospitals and too little on bringing some curative, and more particularly some preventive, health measures to a large number of people in remote areas. Those in charge of health have been well aware of this need, and had it not been for the recent disorders, the excellent system of health centres developed several years ago in what was then the district of North Nyanza could have been spread over most of the Colony. In spite of stringent financial circumstances, we are endeavouring to do this and, as I have remarked, in the Central Province the building of villages has helped particularly in preventive measures concerned with water supplies and sanitation.

12. With all this advance in farming goes the change from a communal system of land holding to an individual system in the Central Province. The Working Party appointed last year has now submitted its report and this has been published. I urge hon. Members to make a very careful study of this report and of the two draft Bills contained in Appendices B and D. It is a measure of such fundamental importance to African life that the Government has published the report now in order that everybody should have an opportunity of gaining an understanding of its recommendations and of commenting on them before the Government decides what measures are to be put into effect. I believe that this is a most valuable report. I also believe that experience in other countries shows that a system of small individual holdings is better than a system of communal holdings. All the same, the new system has new difficulties and inherent dangers different from those of the old communal system. It will be necessary to guard carefully against these.

13. Another feature of the Central Province scene has been the experiment made with the so-called Youth Clubs in Nyeri. A social problem in a district of this nature has always been the young men and women with inadequate education. Some are those who cannot go on from primary to intermediate schools. Others are those who leave school without completing the primary course. With

a great deal of self-help from the people of the district a pilot scheme has been started in Nyeri and over 30 clubs, with very rough buildings and with voluntary teachers, have been established. In these, young men and women are taught handicrafts and are made literate enough to benefit from this teaching. Supervision is with the Community Development Department.

14. Do not think from what I have said that agricultural progress in African areas is confined to the Central Province. I felt compelled to mention the Central Province since the recovery from the effects of the *Mau Mau* disorders has been a very notable feature of the last year. Almost equally notable, however, has been the agricultural progress made in other African areas. The Elgeyo and other Kalenjin people have made great advances. Other examples of advance are in Elgon/Nyanza, and in the Kisii Land Unit. There has also been much progress in both districts of Ukambani. The people of Kitui have accomplished a noteworthy feat of relating the number of stock in the district to the carrying capacity of the area. Another feature of the districts of Machakos and Kitui is the wisdom shown by their people in setting aside the hill-tops either for afforestation or for the exclusion of stock. The result of this wise measure on the flow of the streams is already apparent. Kenya is therefore a country in which political advance, an African agrarian revolution and the strict security measures still necessary to complete the task of defeating *Mau Mau* are all going on at the same time. The result is expensive and lays a heavy burden on all Government officers. There is no doubt that we have in recent months felt severely the shock of the economic troubles of the world.

15. European farming has made very good progress indeed since the end of the War and production has risen. World conditions have, however, affected the sale abroad of such commodities—very important to the farmer—as butter and bacon. Naturally, therefore, there is a feeling of some alarm at the economic prospects before us. I realize very clearly that the economic picture has its dark side. We should not, however, forget that it has its bright side as well, and that there is no strong indication that

[H.E. the Governor]

present economic troubles will last. The fall in the prices of a number of Kenya's agricultural exports and the serious threat of a substantial fall in coffee prices must be balanced against the signs of a steady, if slow, recovery in the United States; and it is the state of economy there which affects primary production and, therefore, the terms of trade in a primary producing country such as Kenya. The fall must also be balanced against the continued strength of sterling and the improvement in the London, gilt-edged market to which Kenya must continue to look for development finance. The Chancellor of the Exchequer's announcement in Montreal that, as a last resort, Colonial Governments would be able to obtain Exchequer loans for essential development expenditure, is also encouraging. There will be, in addition, an injection of capital and spending power into our economy through the clear intention of the United Kingdom Government to develop permanent housing and installations for its military forces here. The new £4,000,000 road project and the high rate of building in Nairobi also give grounds for confidence. The steady improvement in farming methods and the increase in production of cash crops in African areas will inevitably lead to an increased local demand for consumer goods. In spite of competition in world markets, the volume and the total value of our exports have so far been maintained. The essential requirements for continued development are the availability of capital, the opening up of new markets and increased productivity.

16. In these circumstances, the Government is enquiring, with care and thoroughness, into all possible economies. These will be made. But I must remind the House that economies will be painful and that, in a developing country such as Kenya, certain services cannot be reduced without a disturbance of the economy and a risk of unemployment with its consequent strains on members of all races. For these reasons we cannot escape a certain level of taxation.

17. There has been a departure from tradition this year in that it was decided to lay a Sessional Paper containing the general outline of policy for each

Ministry, and this will be contained in Sessional Paper No. 1 of 1958. The reasons for this were twofold. First, it would be possible for me to restrict my speech to the more important matters with which the Government has to deal. Secondly, it would give Ministers a better chance to set out fully their policies for the coming year. Nevertheless, there are one or two matters in addition to those which I have mentioned in this speech upon which I should like to comment. Council will remember that in April Sessional Paper No. 4 on the Broadcasting Development was unanimously approved, and it is possible to say that all work is up to schedule. The nucleus of the new Service has been established as part of the office of the Chief Secretary, and a Director is about to be appointed on secondment from the B.B.C. The regional installations at Mombasa and Kisumu are well advanced, and the former are due to come into operation early this month.

18. As regards the Public Service, the Government announced at the end of August that it was placing an embargo on all recruitment, and this embargo, although unpalatable to many people and certainly unwelcome in many respects to the Government, must continue until such time as the future policies which determine the pattern of Government expenditure are agreed. I draw your attention to those parts of the Sessional Paper which deal with sabbatical and overseas leave and housing.

19. I have already dealt with certain agricultural matters, but I also invite your attention to various Bills which will be introduced in the coming session by the Minister for Agriculture. The most important will be a Bill to set up the Kenya Maize Board, which is to be responsible for the marketing of the maize crop in the best interests of producers and consumers. It is also intended to replace the Fencing Ordinance, 1929, and to provide for amendments to the Agriculture Ordinance, the Marketing of African Produce Ordinance, the Coffee Industry Ordinance and the Coffee Marketing Ordinance.

On veterinary matters, it is hoped that the Wellcome Institute for Research into Foot-and-Mouth diseases will be completed during the coming year. This Institute was built with a very generous

[H.E. the Governor] grant from the Wellcome Trust and will be an integral part of the Department of Veterinary Services and will be under the direction of a senior research officer, who has already been appointed after an extensive study tour in the United States.

A Bill will be introduced to amend the Kenya Meat Commission Ordinance, to implement Sessional Paper No. 30 of 1956/57.

In connexion with water policy, it is expected to present a Bill to amend the Water Ordinance in the light of further experience since the passing of the Water (Amendment) Ordinance, 1957.

20. In the Ministry of Local Government, amendments to the Municipalities Ordinance to implement the Sessional Paper No. 118 of 1956 have been under consideration for some time. Completion of the draft legislation was held up owing to the need to include provision for the proposed new constitution for the Mombasa Municipal Board. Agreement has now been reached on an acceptable constitution, the details of which will be incorporated in a Bill which will shortly be laid before Council. This is an example of people of all communities reaching a satisfactory agreement as a result of negotiation. The Municipalities Ordinance will provide for the new constitution for Mombasa with enabling powers to constitute parishes within the area administered by the Municipal Council. Various other amendments to Ordinances dealing with Local Government are also contemplated and are set out in the Sessional Paper.

The need to relieve those of all races who are in financial distress is a growing commitment and responsibility for meeting these commitments rests primarily on voluntary effort. The Government is glad to pay tribute to the valuable work being performed by various welfare societies. However, much remains to be done. It is hoped that local authorities will accept direct responsibility for all aspects of social welfare. In particular, they will be encouraged to set up the necessary organizations for the care and protection of children under the provisions of the Prevention of Cruelty to and Neglect of Children Ordinance.

During the past year the Game Policy Committee's report was published and it

21. The question of unemployment will continue to receive the Government's close attention. To a very large extent, particularly among Africans, unemployment is an aftermath of the Emergency. There are obvious limits set not only by the Government's financial resources but also by long-term implications to the extent to which Government can intervene directly to absorb the present labour surplus.

As regards rural wages, the Government intends to set up suitable machinery whereby minimum wages in the agricultural industry can be fixed after consultation with employers and employees.

22. An example of the important work being done for education is the African Women's Training College at Machakos, which was completed this year and will have 180 students in residence next year. The first stage of the Asian Secondary School at Thika is nearing completion, and the building of primary schools at Mombasa and Nairobi is planned this year. In African education the policy as regards teacher training and secondary education will continue. The policy for European education remains substantially unaltered, but, as with Asian education, efforts are being made to enable pupils to complete their primary course at an early age, and a three-year secondary modern course can be completed between the ages of 15 and 16. The Woodhead-Harper report, which deals primarily with this subject, has been published and the Government will comment on this after consultation with the Advisory Councils.

23. The Ministry of Forests will continue during the coming year the planting programme which aims at establishing within 25 years some 300,000 acres of softwoods. An important part of this programme is the absorption of Kikuyu, Embu and Meru families into useful employment in the forest areas. Up to the end of August, 1958, 3,200 families have been absorbed. It is hoped that steady progress will be made in the next 12 months towards a final target of 5,000 families.

[H.E. the Governor] is now being considered by the Government. It is a most important document and a very valuable piece of work. An opportunity to debate the report will be given to Council as soon as possible.

24. In order that our economy should not be entirely dependent on agriculture, the search for economic mineral deposits continues. Approximately 45 per cent of the basic geological survey has been completed.

Government's policy of creating industrial estates in the African Land Units will result in the establishment of industrial estates at Karatina and Limuru. These areas will offer advantages in the shape of ready employment near the homes of the workers and ideal siting of industries based on the processing of local produce.

Legislation in respect of rent restriction, shop hours, scrap metal and transport licensing will be introduced during the present session.

25. Government's plans for housing involve the continuation of the Nairobi African housing scheme. Seven hundred and fifty-five of the houses have been handed over by the Ministry of Housing to the Nairobi City Council and another 133 will be handed over by 15th November. These houses for which the rent is Sh. 100 a month have been taken up with such speed by the tenants that the Central Housing Board has advanced a further £294,000 to the City Council for the construction of another 512 houses.

The new "satellite villages" in the Kiambu District, Riruta and Kangemi promise to be popular. Planning is complete and in the first of them (Riruta) the roads have been finished to a preliminary standard and water is being laid on.

26. Much of what I have said this afternoon gives food for serious thought, but the Government has confidence in the future of the country, as it has had during the Emergency. A sign of that confidence, at the beginning of our troubles, was our decision to proceed with the building of the new Airport in

spite of the uncertain prospects of *Mau Mau* troubles ahead of us in 1953. That decision has now been amply justified. A further sign, and this time of our present confidence, is the conclusion of an arrangement for contractor finance for roads at the rate of £1,000,000 per annum for at least four years. I believe that we should show confidence. I believe that it is right for the East African Railways and Harbours, for example, in their development work in the port of Mombasa to be ahead rather than behind the traffic. I think that we should continue to make provision for the prime needs of the country. One example is agricultural expansion, and a good illustration of the progress made has been in the last year the successful working of the Kenya Meat Commission. Another is the development of education—the bringing of intermediate and secondary schools into a better relationship with that of primary schools—along with the continued expansion of European and Asian education.

27. In brief, the picture of Kenya towards the end of 1958 is one of resilience, of vitality, and of continuing recovery. It is also for this very reason one of great activity in many directions. I believe that in spite of difficulties that activity can and will continue. In many matters this country gives a lead and will continue to do so. I wish to make it clear that Her Majesty's Government has no intention whatsoever of relinquishing its responsibilities to all races in this country. The Kenya Government, in carrying out its responsibilities, intends to continue the orderly and peaceful advance of the African people in every sphere and to make sure that all who have made their home in Kenya will feel that they can continue with confidence to make their contribution to the country's development and progress. In this way Kenya can advance in the future as a stable and a prosperous country, with the determination of all moderate and responsible men and women to put the welfare of Kenya above any sectional interest.

At five minutes past Four o'clock His Excellency the Governor left and Mr. Speaker resumed the Chair.

NOTICES OF MOTION—(Contd.)

CONDEMNATION OF ACTION OF CERTAIN MEMBERS ON OCCASION OF SPEECH FROM THE CHAIR

SIR CHARLES MURAHAM: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

That this House condemns the discourteous conduct of the African Elected Members in leaving the Chamber during the speech of His Excellency the Governor.

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

MR. RUBIA: Mr. Speaker, I beg to give notice of the following Motion:—

That the thanks of this Council be recorded for the exposition of public policy contained in His Excellency's Communication from the Chair on 4th November, 1958, as amplified in Sessional Paper No. 1 of 1958/59.

BILLS

FIRST READINGS

The Africans (Life Assurance Control) Amendment Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Pensions (Amendment) Bill
Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the end of the business on the Order Paper, and I therefore adjourn the Council until 2.30 p.m. tomorrow, Wednesday, 5th November.

The House rose at ten minutes past four o'clock.

Wednesday, 5th November, 1958

The House met at thirty-five minutes past Two o'clock.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

ORDER IN THE COUNCIL—RULING

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Hon. Members, I cannot allow the conduct of certain Members yesterday to pass without comment, as after reflection, I have come to the conclusion that it calls for action on my part. I preface my remarks by reminding hon. Members that under our existing constitution, His Excellency the Governor, is no longer President of the Legislative Council. His Excellency has a right to attend if he so desires, in the same way that Her Majesty the Queen has a right of attending the Lords' House of Parliament in the United Kingdom. The Governor, however, can only attend after first informing Mr. Speaker that he wishes to do so on a specified day at a given time, and when he does so attend, he does so as Her Majesty's direct representative.

More especially is this the case on the annual occasion on which His Excellency formally opens the new Session. On that annual occasion, as is well known to hon. Members, all accredited representatives of foreign countries are invited to be present, as are the judiciary, leaders of the Church, and senior officers of the armed forces, the function being regarded as an official ceremony which the Governor performs in uniform as representing Her Majesty the Queen. At a later stage, in line with parliamentary procedure in the United Kingdom, the communication he makes is debated, but naturally only after his withdrawal.

Yesterday, during the course of His Excellency's communication, a number of Members thought fit to indulge in grossly disorderly and insulting conduct by ostentatiously rising as a body and walking out of the Chamber. Had they wished to record disagreement with any particular policy, they had a parliamentary remedy by abstaining from

[The Speaker]

attending, or by making any gesture they deemed necessary during the debate on the Governor's exposition of public policy which commences today. The demonstration which they saw fit to indulge yesterday on a formal occasion, in the presence of official guests, amounted to calculated, grossly disorderly and insulting behaviour—insulting not only to the dignity of this House and its Members, but what is far worse, insulting to Her Majesty the Queen.

It is my duty as Speaker to safeguard the dignity of this young and still somewhat immature Parliament. That being the case, it would in my opinion be unfair on the majority of the Members of this Council if I were to allow grossly disorderly conduct to pass unnoticed.

Quoting Sir Gilbert Campion on page 197: "The ultimate authority in matters of order in the House itself rests with the Speaker. But practice and Standing Orders have defined the powers of the Speaker with considerable detail, and in such matters, there is no appeal from the decision of the Chair without the intervention of the House, however, no penalty more serious than withdrawal from the House for the remainder of a sitting can be inflicted.

"The powers exercised by the Chair may be taken in the following sequence: powers in respect of minor breaches of order; grossly disorderly conduct; disregard of the authority of the Chair; and grave disorder.

"An interpretation of grossly disorderly conduct follows: grossly disorderly conduct comprises *inter alia* 'insulting behaviour'."

On this occasion, I consider in all the circumstances that my powers under the first part of Standing Order 72 are inadequate, and I therefore consider it my duty to act under the latter part of section 72 and to refer the matter to the House itself. I have therefore decided to name: Mr. F. J. Khamisi, Mr. J. G. Kiano, Mr. B. Mate, Mr. T. J. Mboya, Mr. D. T. arap Mgi, Mr. J. N. Muiimi, Mr. M. Muliuro, Mr. D. Mumo, Mr. R. D. Ngala, Mr. J. Nyagah, Mr. A. Oginga-Odinga, Mr. L. G. Oguda, Mr. J. K. ole Tipis and Mr. T. Towett.

7 MOTION

UNDER STANDING ORDER NO. 73

THE CHIEF SECRETARY (Mr. Courts): Mr. Speaker, Sir, in accordance with the requirements of Standing Order No. 73, I beg to move:—

THAT Mr. F. J. Khamisi, Mr. J. G. Kiano, Mr. B. Mate, Mr. T. J. Mboya, Mr. D. T. arap Mgi, Mr. J. N. Muiimi, Mr. M. Muliuro, Mr. D. N. Mumo, Mr. R. G. Ngala, Mr. J. J. M. Nyagah, Mr. A. Oginga Odinga, Mr. L. G. Oguda, Mr. J. K. ole Tipis and Mr. T. Towett be suspended from the service of the Council.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I would remind the House that any Members suspended are suspended for three days excluding the day of suspension, which is today.

PAPERS LAID

The following Papers were laid on the Table:—

Report on the Royal National Parks of Kenya, 1957.

(By THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blundell))

The Annual Report and Accounts to 31st March, 1958, of the European Agricultural Settlement Board.

(By THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

BILLS

SECOND READINGS

The Africans (Life Assurance Control) (Amendment) Bill

MR. BUTTER (Nominated Member): Mr. Speaker, Sir, I beg to move that the Africans (Life Assurance Control) (Amendment) Bill, 1958, be now read a Second Time.

On 26th June, the hon. Member for Nairobi Area moved a Motion calling upon the Government to rescind section 6 of the principal Ordinance and to amend section 3 by substituting for the word "Chief Native Commissioner" the words "the Minister".

[Mr. Butler]

This Motion was passed by the Council and the Bill now presented seeks to implement the decision taken by the Council on 24th June.

Section 6 of the principal Ordinance reads: "No person shall accept any life assurance proposal form from an African unless the proposal bears the signature or mark of such African attested by a person appointed for such purposes by the Governor by notice published in the Gazette".

It has been accepted that this safeguard is no longer necessary and the repeal of this section will, it is hoped, facilitate the business of life assurance companies issuing policies to Africans.

The object of substituting for the words "Chief Native Commissioner" the word "Minister" is because it is convenient that one Minister should be responsible for this Ordinance, although the Minister for Finance will continue to consult the Minister for African Affairs where this is necessary.

Sir, I beg to move.

Mr. WEBB seconded.

Question proposed.

Mr. TRAVADI (Central Electoral Area): Mr. Speaker, Sir, there are certain consequential amendments which it appears the Legal Draftsman has left out. This is in section 5 and in the Schedule as well. I have accordingly given notice of my intention of moving these amendments in Committee of the whole Council, but I would just like to remind the House that I will be moving these amendments.

Mr. BOMPAS (Kiambu): Mr. Speaker, Sir, when the original Motion from which this Bill emanated was passed I found that I was myself able to support it, with certain reservations. I would like to renew that support, Sir, but again make reference to those reservations.

The African Members, in their wisdom, Sir, have decided to recommend that the protection which the Ordinance, in its original state, gave, be removed—namely the protection whereby a witness was required to the signature of a proposal for life assurance. They have decided that the guidance, the explanations which could possibly be given to somewhat ignorant people on occasions, who were proposing for life assurance, were no longer necessary.

That being so, Sir, and if that safeguard is to be removed, it ever more behoves Government to be vigilant in exercising the necessary control over insurance companies licensed to conduct life assurance with Africans, and even more so in the licensing of canvassers.

Sir, I believe that Government has, in fact, been vigilant of late in regard to the companies themselves, but, from information which has been given to me from time to time, I am by no means satisfied that the essential degree of control is always exercised over the canvassers. I would seek an assurance, Sir, from Government that they will investigate very thoroughly the issuing of licences to canvassers.

I beg to support, Sir.

Mr. BUTLER: Mr. Speaker, Sir, I can assure the hon. Member for Central Area that we will take into account the technical point he has raised with regard to consequential amendments to other sections of the Ordinance.

As regards the point made by the hon. Member for Kiambu, there is no intention of repealing the provisions of this Bill which require life assurance companies doing business with Africans to be approved, and there is no intention of withdrawing the control exercised over canvassers.

In the event of the Government's introducing a new insurance ordinance which will embrace both this Ordinance and other ordinances governing insurance business, the points which the hon. Member has made will be borne in mind.

I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

The Pensions (Amendment) Bill

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be now read a Second Time.

Hon. Members will recollect that in 1954 Government laid Sessional Paper No. 17 for that year containing proposals for implementing certain recommendations of the Lidbury Report; and the Council agreed to a resolution on 15th

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[The Temporary Minister for Finance and Development]

December, 1954, which sought approval for these proposals. Amongst other proposals contained in the Sessional Paper were certain ones contained in paragraph 41 dealing with pensions. All told, there were 11 sections to this paragraph and six of those sections dealt with questions of policy where the Government's approval or rejection of a recommendation in the report was signified and amendments to the Pensions Ordinance were not required in this particular connexion.

Two sections deal with matters in respect of which amendments to the pensions regulations, and not to the Ordinance, are necessary, and one deals with the general matter at present under consideration. The remaining two are the subject of the amendment proposed in clauses 3, 4 and 5 of the present Bill.

Sir, I am sure that hon. Members will want to know how it is that we are only coming to the House now to deal with certain of the recommendations arising out of the Lidbury Commission which reported so long ago. The reason for that is that pensions legislation has always to be the subject of consultation with the other East African Governments and Administrations and with the Secretary of State. This is so because, as hon. Members know, officers of the public service are subject to transfer between the territories and administrations and it is very important that all the territories for which the Secretary of State is responsible should keep in line with one another, and more particularly the East African territories. It has therefore been necessary to have a good deal of consultation and in addition to this the legislation has had to be carefully reviewed during drafting and afterwards.

That, Sir, is the reason why there have been these delays. I would, however, like to assure the House that the members of the public service who have retired between 1st January, 1954, and today have not suffered as a result of these delays. The Government, on the strength of the House having accepted the recommendations in the Sessional Paper to which I referred, has taken action to treat the officers as though these particular sections had already be-

come law; therefore no one, in fact, has suffered.

Sir, as regards the actual content of the Bill, I think that each of the clauses is admirably explained in the Memorandum of Objects and Reasons and I will not delay the House by going into them again.

Sir, I beg to move.

Mr. WEBB seconded.

Question proposed.

Mr. TRAVADI: Mr. Speaker, Sir, I have one comment to make on the inclusion in the pensions of the inducement addition to salaries. The reason is that it creates a sort of differentiation in the terms and conditions of service of the locally recruited and those recruited from the United Kingdom and elsewhere.

The Lidbury Report excluded from this concession people coming from India and Pakistan and I see no reason why this inducement addition, which comes to something like one-half of the salary, should be included in the pensions when the Colony is passing through stringent times financially.

Accordingly, I have, as necessary, given notice that when this Bill goes to the Committee stage I will move an amendment that the inducement pay addition be deleted from the pensions.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I noted that the hon. Member for Central Area proposes to move an amendment at the Committee stage and that amendment will, no doubt, be debated then. All I would do here, Sir, is merely to remind the hon. Member and the House that in fact the inducement addition was agreed to by the House in 1954 as being something that would form part of officers' pensionable emoluments, and it would, I think, be quite wrong for the House to go back on that decision in respect of officers who have been receiving that addition.

As regards the further point, Sir, which the hon. Member made, regarding the distinction between officers recruited in India and Pakistan and officers recruited elsewhere outside the territories, the answer there is, I think, that there has

[The Temporary Minister for Finance and Development] not been the same need to pay inducement allowance in order to induce people to come here from those countries as there has been to induce them to come from other places outside the territories.

Sir, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

MOTION

THANKS FOR EXPOSITION OF POLICY BY
HIS EXCELLENCY THE GOVERNOR.

MR. RUBIA (Nominated Member): Mr. Speaker, Sir, I beg to move that the thanks of this Council be recorded for the exposition of public policy contained in His Excellency's Communication from the Chair on 4th November, 1958, as amplified in Sessional Paper No. 1 of 1958/59.

First of all, Sir, I would like to express my very great pleasure at having the opportunity and honour accorded to me for putting this vote of thanks to His Excellency for his speech in opening the new Session. I take this as a great honour and privilege, not only because I have been given the opportunity of moving this Motion of thanks to Her Majesty's representative in this country but also because I believe that this is the first time in the history of this legislature that an African Member has been given this privilege.

Therefore, Sir, I regard this as an historic occasion and as also a very clear evidence of our determination to have a multi-racial society.

From His Excellency's speech it is apparent that we are still faced with economic difficulties, particularly in our agricultural industry on which much of our economy depends. Although the country's general economy at present can be said to have mixed features, the future can be faced with mixed or rather cautious optimism.

I would like to touch briefly on a few points contained in His Excellency's speech and also on some matters that are contained in the Sessional Paper.

I think it was most encouraging, Sir, to hear about the improvements and progress that have been made in the field of rehabilitation and the release of detainees. It was also comforting to hear that few of the released people have come to unfavourable notice since their release. This is a tremendous achievement on the part of those officers who are engaged on the most difficult work of trying to reclaim the minds of those people who at one time believed that they would take over the Government of this country by violence.

Perhaps, Sir, hon. Members will remember the time when it was very strongly felt in the country that rehabilitation was not only a waste of money but a waste of time. Most of the detainees were considered to be incorrigible criminals. The task appeared, therefore, formidable. It is, with this in mind, Mr. Speaker, that I consider it most remarkable that our rehabilitation teams have had so much success in that very difficult work, and I feel that this country owes a debt to those people without whose efforts and perseverance Kenya would have been in a very different position today.

However, Sir, it was most disturbing that a secret society called the K.K.A.F. was started by some people with evil intentions—people who are not only enemies of their own Kikuyu, Embu and Meru but are also the enemies of our beloved Kenya. As a Kikuyu myself, I was most horrified to hear of this society. Those people with evil intentions merit the most severe punishment that this country can give. They have brought a lot of suffering to the Kikuyu people, men, women and children, and I think, Sir, that it is only right that whoever comes to notice as trying to start any secret organization should be severely punished. Now, Sir, these people with evil intentions have not only cost this young developing country a lot of money but, in my opinion, they have also damaged the prestige of this country. Fortunately, these people are very few indeed and I have no doubt in my own mind that the vast majority of the Kikuyu, Embu and Meru people will continue to assist the Government in every way in eradicating this most detestable society.

Concerning agriculture, Sir, it is pleasing to note that the Government is to

[Mr. Rubia]

continue with the aim of encouraging economic and sound farming. This, I am sure, is most desirable, particularly in those areas where land consolidation has taken place, for unless this encouragement is given I am of the opinion, Sir, that the efforts and energy that have been put into this work will bear fewer fruits. It is also encouraging to hear that the Government is paying, amongst other things, special attention to the question of loans to individual African farmers. This announcement will, I am sure, have a good effect and will be received with delight. I had the good fortune of being present when the last piece of land was being consolidated in August last in the Kiambu District and I can remember, Sir, the Chairman of the local Land Committee raising this same question. In his short speech he said that they were very happy that they had finished their land consolidation, but the main worry was this—that most of them were poor people, financially, and that the question in their minds was where to get the money necessary to develop their holdings.

Now, Sir, I think with this announcement great encouragement will be given to these people to work on their holdings and perhaps keep away from mischief.

Concerning markets, Sir, it is pleasing to hear that the Government will assist and encourage the efficient marketing of our country's produce. The question of overseas markets is causing us a lot of concern but, Sir, this, I submit, should not discourage us in our effort to step up our agricultural production.

Turning to health, Sir, I think we are extremely fortunate in receiving the services of the World Health Organization who are already engaged in a survey of tuberculosis. This disease, I am told, is responsible for more deaths than any other disease amongst our African population. I hear also that the rate at which it is spreading is terrific. I was surprised, therefore, when I saw it stated in the Sessional Paper that certain political significance has been given to the survey which is at present being carried out here in Nairobi. Sir, I sincerely hope that the Nairobi people—I mean the African population—will not allow themselves to be misled and miss this wonderful oppor-

tunity, for among other things we should have a healthy population.

I would like to say a few words on education. It is pleasing to hear that it is the intention of the Government to make every effort to improve the standard and scope of education for all races. Sir, I do not think that I need to stress too much the importance of this move or take much time on it, for I know that education is one of the subjects in which the hon. Members here take great interest. It suffices to say that I have no doubt in my own mind that this move by the Government will receive the support of all hon. Members.

Finally, Sir, it is my opinion that if this country is to carry out successfully all the development programmes, now in hand or intended, all people who regard Kenya as their home must give their full support to that course, not only morally but also physically. We must have a unity of purpose of having a happy and prosperous country. We must set aside all petty prejudices which tend to divide our efforts by sectional considerations.

Sir, I beg to move.

MR. MOHINDRA (Nominated Member): Mr. Speaker, Sir, it is my pleasure and privilege to be able to second this Motion that my hon. colleague, Mr. Rubia, has so ably moved before the House. It gave me intense pleasure, Sir, to listen to the exposition of Government policy as given by His Excellency the Governor in his Address yesterday and supplemented by the Sessional Paper which was published also on the same date. The note of optimism that I could not help seeing in the Address which His Excellency gave will go far, I think, in removing the big question mark that is existing in the minds of a lot of people at the present juncture in the life of Kenya. Everywhere, wherever we go, we come across the talk of a recession. I think this little recession that we have experienced in the last few months was very badly wanted. We had got used to a boom which lasted almost 18 years and a perpetual boom of that nature is no good for anybody because everybody then starts living in a fool's paradise. That is what we have been doing, Sir. The last few months have perhaps given us an opportunity of taking stock of the position, of adjusting

[The Temporary Minister for Finance and Development] not been the same need to pay inducement allowance in order to induce people to come here from those countries as there has been to induce them to come from other places outside the territories.

Sir, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Mr. RUBIA (Nominated Member): Mr. Speaker, Sir, I beg to move that the thanks of this Council be recorded for the exposition of public policy contained in His Excellency's Communication from the Chair on 4th November, 1958, as amplified in Sessional Paper No. 1 of 1958/59.

First of all, Sir, I would like to express my very great pleasure at having the opportunity and honour accorded to me for putting this vote of thanks to His Excellency for his speech in opening the new Session. I take this as a great honour and privilege, not only because I have been given the opportunity of moving this Motion of thanks to Her Majesty's representative in this country but also because I believe that this is the first time in the history of this legislature that an African Member has been given this privilege.

Therefore, Sir, I regard this as an historic occasion and as also a very clear evidence of our determination to have a multi-racial society.

From His Excellency's speech it is apparent that we are still faced with economic difficulties, particularly in our agricultural industry on which much of our economy depends. Although the country's general economy at present can be said to have mixed features, the future can be faced with mixed or rather cautious optimism.

I would like to touch briefly on a few points contained in His Excellency's speech and also on some matters that are contained in the Sessional Paper.

I think it was most encouraging, Sir, to hear about the improvements and progress that have been made in the field of rehabilitation and the release of detainees. It was also comforting to hear that few of the released people have come to unfavourable notices since their release. This is a tremendous achievement on the part of those officers who are engaged on the most difficult work of trying to reclaim the minds of those people who at one time believed that they would take over the Government of this country by violence.

Perhaps, Sir, hon. Members will remember the time when it was very strongly felt in the country that rehabilitation was not only a waste of money but a waste of time. Most of the detainees were considered to be incorrigible criminals. The task appeared, therefore, formidable. It is, with this in mind, Mr. Speaker, that I consider it most remarkable that our rehabilitation teams have had so much success in that very difficult work, and I feel that this country owes a debt to those people without whose efforts and perseverance Kenya would have been in a very different position today.

However, Sir, it was most disturbing that a secret society called the K.K.M. was started by some people with evil intentions—people who are not only enemies of their own Kikuyu, Embu and Meru but are also the enemies of our beloved Kenya. As a Kikuyu myself, I was most horrified to hear of this society. Those people with evil intentions merit the most severe punishment that this country can give. They have brought a lot of suffering to the Kikuyu people, men, women and children, and I think, Sir, that it is only right that whoever comes to notice as trying to start any secret organization should be severely punished. Now, Sir, these people with evil intentions have not only cost this young, developing country a lot of money but, in my opinion, they have also damaged the prestige of this country. Fortunately, these people are very few indeed and I have no doubt in my own mind that the vast majority of the Kikuyu, Embu and Meru people will continue to assist the Government in every way in eradicating this most detestable society.

Concerning agriculture, Sir, it is pleasing to note that the Government is to

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continue with the aim of encouraging economic and sound farming. This, I am sure, is most desirable, particularly in those areas where land consolidation has taken place, for unless this encouragement is given I am of the opinion, Sir, that the efforts and energy that have been put into this work will bear fewer fruits. It is also encouraging to hear that the Government is paying, amongst other things, special attention to the question of loans to individual African farmers. This announcement will, I am sure, have a good effect and will be received with delight. I had the good fortune of being present when the last piece of land was being consolidated in August last in the Kiambu District and I can remember, Sir, the Chairman of the local Land Committee raising this same question. In his short speech he said that they were very happy that they had finished their land consolidation, but the main worry was this—that most of them were poor people, financially, and that the question in their minds was where to get the money necessary to develop their holdings.

Now, Sir, I think with this announcement great encouragement will be given to these people to work on their holdings and perhaps keep away from mischief.

Concerning markets, Sir, it is pleasing to hear that the Government will assist and encourage the efficient marketing of our country's produce. The question of overseas markets is causing us a lot of concern but, Sir, this, I submit, should not discourage us in our effort to step up our agricultural production.

Turning to health, Sir, I think we are extremely fortunate in receiving the services of the World Health Organization who are already engaged in a survey of tuberculosis. This disease, I am told, is responsible for more deaths than any other disease amongst our African population. I hear also that the rate at which it is spreading is terrific. I was surprised, therefore, when I saw it stated in the Sessional Paper that certain political significance has been given to the survey which is at present being carried out here in Nairobi. Sir, I sincerely hope that the Nairobi people—I mean the African population—will not allow themselves to be misled and miss this wonderful oppor-

tunity, for among other things we should have a healthy population.

I would like to say a few words on education. It is pleasing to hear that it is the intention of the Government to make every effort to improve the standard and scope of education for all races. Sir, I do not think that I need to stress too much the importance of this move or take much time on it, for I know that education is one of the subjects in which the hon. Members here take great interest. It suffices to say that I have no doubt in my own mind that this move by the Government will receive the support of all hon. Members.

Finally, Sir, it is my opinion that if this country is to carry out successfully all the development programmes, now in hand or intended, all people who regard Kenya as their home must give their full support to that course, not only morally but also physically. We must have a unity of purpose of having a happy and prosperous country. We must set aside all petty prejudices which tend to divide our efforts by sectional considerations.

Sir, I beg to move.

Mr. MOHINDRA (Nominated Member): Mr. Speaker, Sir, it is my pleasure and privilege to be able to second this Motion that my hon. colleague, Mr. Rubia, has so ably moved before the House. It gave me intense pleasure, Sir, to listen to the exposition of Government policy as given by His Excellency the Governor in his Address yesterday and supplemented by the Sessional Paper that was published also on the same date. The note of optimism that I could not help seeing in the Address which His Excellency gave will go far, I think, in removing the big question mark that is existing in the minds of a lot of people at the present juncture in the life of Kenya. Everywhere, wherever we go, we come across the talk of a recession. I think this little recession that we have experienced in the last few months was very badly wanted. We had got used to a boom which lasted almost 18 years and a perpetual boom of that nature is no good for anybody because everybody then starts living in a fool's paradise. That is what we have been doing, Sir. The last few months have perhaps given us an opportunity of taking stock of the position, of adjusting

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our ways of life and of adjusting ourselves to the changing circumstances. I therefore say that the recession that we have experienced or that we are likely to experience for the next few months to come is really a blessing in disguise. So far as the future is concerned, Sir, I have no doubt whatsoever that as the bottom was touched a month ago, or during the last month, we are now on the upward trend. With the building programme which will be instituted next year and with the road programme that will be started next year and with the building of the Army base at Kahawa next year I think the recession will be a thing of the past. I only hope that if a boom comes, as it is likely to come, we do not again forget ourselves.

I welcome the idea of a revision of the electoral law. I would like to say this, however—that so far as the Asian wards are concerned the Government, or we should consider, or reconsider, bringing in one-member constituencies because where we have two-member constituencies of a lot of malpractices occur. We see single voting, and there are people interested parties, who play upon the feelings or otherwise of the electorate and resort to getting the single vote cast in their favour. I would suggest, Sir, that the constituencies where there are two members, either they are brought in as single-man member constituencies or that any people who do not have the requisite number of votes marked on their papers should be considered as having spoiled their papers. I think it will be a very good thing so far as the Asian community, in particular, is concerned.

I welcome the development that is shown in the Sessional Paper so far as broadcasting is concerned. The Asian community in particular, Sir, has been complaining bitterly about the quality of the broadcasts that the Asian has got to listen to which are thrown out by Cable and Wireless today. When Government takes control of this broadcasting service I hope that we shall devise some sort of advisory body to advise the programme manager on the types of broadcasts which are wanted. I do not mind people indulging in listening to rock and roll tunes, but you can have too much.

That is what is happening today. On a Sunday morning our children tune in to Cable and Wireless Limited and from 10 o'clock onwards, Sir, until 2, it is "Rock and Roll" and "Rock and Roll" and nothing else.

Sir, I now turn to the Civil Service. I see that the Government has very wisely listened—to public opinion generally regarding economies in the public service. I welcome this move, Sir, because the poor public service has been a target from all angles. People at different times have thought to themselves that no stick is bad enough to beat the poor public service, because the public servant has got no voice to raise in his own defence. It is therefore, Sir, my intention to defend the Public Service because I have been years ago a member of the Civil Service. I have passed through a boom of which I never had the advantage and I passed through a recession when I had a 6 per cent levy on my salary. The same thing applies today. We had a boom in farming, and we had a boom in business but the farmers and the business men all had the advantage of the boom. Now that we are trying to feel the pinch a bit it is the poor Civil Service that must suffer.

Mr. Speaker, Sir, I would request this hon. House to be a bit reasonable, to be a bit consistent. After all, it is the Civil Service that during war-time was described as a restricted profession. Nobody could get out of it. I was lucky enough to get out of it and therefore I have the possibility of addressing this House today. Or otherwise if the rule of a restricted, or a reserved occupation had been followed to the extreme or if I had not been able to wangle out of it I would still perhaps be in the same position.

I see, Sir, that the Government have after all realized, in spite of the fact that they did not appreciate, that the Maize Control was a target for criticism for many years in the past. I see that a new Maize Board is to be formed. There is a strong suspicion in the minds of people that this Maize Board is going to be another name for the Maize Control. I have no doubt whatsoever that that is not so, and I am sure that when the Minister speaks to it he will be able to dispel any doubts that may be existing in the minds of the people. We

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cannot get away from guaranteed prices, Sir. Guaranteed prices are necessary if we have to see a better standard of living maintained in this country. Organized marketing is another thing from which we cannot get away, but I am sure that with wisdom we shall be able to find out a system whereby trading is facilitated, guaranteed prices are given and organized marketing takes place, where nobody suffers but everybody benefits.

The crime wave is quite disturbing, Sir. I see these days, of recent months, wholesale burglaries taking place in Government Road and in the Indian bazaars. I know Government is doing all it can to prevent crime and to catch criminals. I would, however, like to appeal to the masses of Kenya to be a little bit more co-operative with the police. It happens many times, we say a crime committed, but we say, "Well, it is nothing to do with me, I was not the victim, so why worry?" If we find anything of that nature happening it is our duty to seek the assistance of the police and to give information.

I was disturbed, as my hon. colleague, Mr. Rubia, said, Sir—I was disturbed to see in the Sessional Paper that when the survey on tuberculosis is being held that people look at that survey with suspicion; that people attach a political significance to a well-intentioned thing like that. Well, Sir, it is our duty to counter that as strongly as we possibly can, because with the ignorant masses anything can go. I have heard it said, Sir, that somebody in India somewhere was praising Pandit Nehru, the Prime Minister of India, for having brought water to unarable pieces of land where the desert has been turned into a garden. There was a propagandist who did not see eye to eye with Mr. Nehru, he said: "After all, what use is that canal water to you? Don't you realize that the electricity has been taken out of it? How are your crops going to benefit by that water which is devoid of electricity?" I think it is insidious propaganda like that, Sir, which is going to do a lot of harm to our efforts in trying to ameliorate the position of the people of this country.

I also see that it is Government's intention to bring-about machinery for the fixation of wages in the rural areas.

For long it has been a great suspicion in the minds of people and opportunist propagandists have played upon it, that the European settler community was exploiting the African labourer. This intention of the Government shows that Government would like to remove that particular cause of disaffection.

I now come to education. It is not my desire to anticipate a debate on the Woodhead Harper Commission. I would, however, like to repeat what I have said during the course of the Budget debate and that is with regard to the lot of the principals of the primary schools. At the moment, Sir, there is a lot of dissatisfaction with these people who have the misfortune to act as principals of primary schools. These were people who were taken out of the ranks of the secondary schools and given charge of schools as large as accommodating 600 or 700 boys. They have done this job admirably well, which perhaps the Department knows, but the unfortunate part is that if they had stayed on working as teachers in the secondary schools and become ultimately subject masters they would have been eligible for promotion to higher scales of salary. As things stand at this moment, for being promoted to these posts in the secondary schools they are actually demoted, because there is no financial gain attached to their posts and because people who were their juniors years ago, when they were promoted today, rank as senior in the service to them. I had an assurance from the Director of Education, during the last sitting of Legislative Council, that Government was alive to this and they were looking into it. I would request the Minister for Education to look into it and to accelerate the work that is being done in the Department at the moment, with regard to it.

I see that the new Bill on Rent Restrictions will be brought before the current session of the Council. For a long time the landlord has been feeling that he was having a very raw deal, but the tenant, on the contrary, was thinking that having been in occupation of property for over 15 years under Government protection, he had clearly a right of owning that particular house in which he was. I think, Sir, this measure, if it is based on the recommendations of the Committee that was set up to enquire.

[Mr. Mohindra] into it—if it is based on that particular report, then I am sure it will do justice to the landlords as well as to the tenants and also move towards progressive decentralisation.

I am glad to see that the antiquated Shop Hours Act is going to be replaced by a new one. That Act now is out of date because Nairobi is today not what it was when that original Act was brought in, and I am sure that with the flexibility that will come, everybody will be happy.

There is one thing, Sir, which concerns me quite a lot, perhaps as I am getting older I am becoming a cynic. Perhaps as I am getting a few more grey hairs I am becoming a pessimist, but the fact remains that when I look at the very large, growing population, the school-going population, I get very perturbed about the future prospects, particularly of the Asian community in this country. The Asian community have only got openings in the white collar jobs or in the retail trade. All that is getting overcrowded and the only solution that would appear to me to be possible to deal with the problem when it confronts us—and it is going to confront us in the next four to five years to come—is to settle a few people on the land, and it is for us to reconsider reviving the Asian Land Settlement Board. With these words, Sir, I beg to second the Motion.

Question proposed.

SIR ALFRED VINCENT (Nominated Non-Government): Mr. Speaker, Sir, I think the great merit in the speech made by His Excellency yesterday was that it was so forthright, it was so down to earth; it was not couched in those qualified terms which sometimes one does not expect but gets from governors. Now his Speech was reassuring as to two matters. One was political security and the other political stability. These two factors are the outstanding factors which mean so much to this country at present time. His statement left no doubt in anyone's mind as to the intention and policy of the British Government, and I would emphasize his words, that the Government of Kenya must be in the hands of responsible people. It is our task to do all we can to increase the

number of responsible Kenyans and to give them all possible encouragement to work in harmony together. That is a very plain statement, Sir, and it is capable of being brought to fruition.

Now, Sir, he paid a very just tribute to the African Minister for Housing, Mr. Musa Amalemba, may I also do so. Whilst doing so, may I include all those African Members on the Government side of the House, and Specially Elected Members on this side of the House, who despite prejudice and perhaps a good deal of intimidation, have placed their services not only at the disposal of the Government, but Sir, at the disposal of their own people in the right spirit of collaboration.

In paragraph 3 of his speech, His Excellency used the phrase, in referring to the present constitution of the Government: "However, as it is now constituted, it could, and if necessary it will, carry on the administration of this country". And I think, Sir, for the past few months, it has been amply proved that the administration can be carried on under the present circumstances. It is a source of great satisfaction to all loyal communities that the Government has restated its policy in these terms and has not been intimidated by "rabble rousers", nor by unfortunate incidents of the type we witnessed in this Council yesterday.

Now, Sir, sincerely reflecting on the colossal task which has confronted the Government in connexion with the *Mau Mau* movement, and the rehabilitation period following *Mau Mau*, I must say that it has been an astonishing achievement by the Government under the most difficult circumstances and I would like to pay tribute to the Administration most sincerely in this matter.

The Governor's restatement as to the position of Jomo Kenyatta will be accepted, I am certain, with satisfaction by responsible citizens who will welcome and support this decision, and because of K.K.M. and the consequent unrest which may follow, I think it essential—and I would like to impress on Government—that whatever steps Government takes towards economics, the Government must, as His Excellency said, retain stringent powers to maintain law and order and keep the peace. And also, Sir, I maintain adequate personnel in both the Administration and the police to see

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that these stringent powers are capable of implementation.

Now, Sir, having very briefly dealt with security, may I refer to the other essential, which is stability. We get no stability unless we have security, and I recognize that security is the first priority. But I doubt, if we do not have stability, if we will have security, and I think they are inevitably bound together.

Now if hon. Members will turn to page 4 of Sessional Paper No. 1 of 1958/59, they will find in paragraph 20 the mention of "undistributed income tax". Now, Sir, that reference (and I do not wish to take too much advantage of it) says: in 20. "A Bill will be introduced to fix the rates of undistributed income tax after the passing of the new East African Income Tax (Management) Act by the Central Legislative Assembly".

I would ask your indulgence, Mr. Speaker, to refer to the present position and to a misunderstanding which I know (not only fear) but I know has arisen in the minds of certain Government Members, not only in this territory, but in other territories. And this is not hearsay; I have direct evidence of this in statements which have been made to me. Now, nothing is more likely to undermine the stability of this country and to defeat all the plans of development and security we have, if, by any action of ours at this crucial stage of our history, we discourage the flow of capital into this country and its retention. The statement that the stability of the country was being jeopardized, which I made elsewhere, has been challenged, and as there is a close association between the present Bill which is now before a Select Committee and the rates to be imposed by this Council as covered in paragraph 20, page 4, of the Paper, Sir, I would like, with your permission, to put on record a statement made by the President of the Association of Accountants in East Africa which was published on Monday, 20th October. I think it is very important that Members should realize that this is an authoritative statement which cannot be disregarded and those who know the members of the Association of Accountants in East Africa do know that they are very canny; they are almost like a Scotch trades union, and

it is very rare for them to issue a statement of any sort, and therefore, if a statement is issued, it means something.

The statement read as follows: "With reference to the proposed new Income Tax Bill at present under consideration by a Select Committee of Central Legislative Assembly, there appears to be some doubt in the minds of the public and possibly also of the East African Governments as to whether or not the proposed undistributed income tax provisions have adversely affected or are likely adversely to affect the retention of existing capital and to deter the introduction of new capital into the private sector of East Africa. The Council of this Association therefore feels it proper in the public interest to say that it is within the knowledge of a number of practising members of this Association that the publication of the proposed undistributed income tax provisions has tended adversely to affect the retention of capital for employment in East Africa and to deter the introduction into East Africa of potentially new capital". And may I add to that, Sir, that it is within my own personal knowledge that very considerable amounts have been affected; nobody is prepared to believe me, but they may believe the statement I have just read from this august body.

Now, Sir, the possible misunderstanding to which I have referred is that there seems to be confusion as to the relation between the present revenue trends and the principles contained in the Income Tax (Management) Bill. These two matters are entirely separate and should be kept as such. But I have been told by more than one representative of at least two governments that in considering any amendments to the present Bill, it must be understood that we cannot afford to lose any more revenue for this year.

Now, Sir, that is an extremely dangerous point of view to have or to cultivate. If this is the case, why then are we going through the motions of having a Select Committee? It is not sense. And the situation rather reminds me of Mr. Ford who stated that his purchasers could have any colour they liked when they purchased a Ford car, but it must be black. Now, Sir, I do make this plea with the Council of Ministers of our Government: to re-examine this position and in briefing

[Sir Alfred Vincent] their two very able Ministers who are members of the Central Legislative Assembly, in briefing them, that they will brief them in a way that any provision of the Income Tax (Management) Bill in its final form should not prejudice the future economy of this territory; and in considering the rates to be charged (which are coming before this House ultimately), to consider them not in the light of present circumstances but in the light of the long-term policy, as to whether or not the proposed rates will be detrimental to the inflow and retention of capital in this territory.

We are all aff, Sir, in times of stress and recession to grasp at the short-term policy just to get us over the immediate crisis, but we must in this type of legislation and in the policy which we are adopting take the long-term view, because otherwise we shall be placed in a very dangerous position. The general policy expressed by His Excellency in his speech, Sir, and in the White Paper, is sound and in many respects, in my opinion, generous. It is realistic inasmuch as in paragraph 16—and I am going to quote it because I think it is lacking something—His Excellency stated as follows: "In these circumstances, the Government is enquiring with care and thoroughness into all possible economies. These will be made, but I must remind the House that economies will be painful, and that in a developing country such as Kenya, certain services cannot be reduced without a disturbance of the economy and a risk of unemployment with its consequent strain on members of all races. For these reasons, we cannot escape a certain level of taxation."

I think all reasonable people would agree with that, Sir, provided, of course, that the level of taxation alluded to is a level of the right type of taxation. Now, Sir, where I quarrel with this paragraph is this: this must have been thought of and edited before the very valuable debate we have had on the Motion moved by the Member for Kiambu on the other day on the irritating subject of efficiency in management. Sir, I am certain that we have such an extremely intellectual band of Ministers in our Council of Ministers—I am making that statement quite voluntarily, Sir,—that they will not fail to realize that after the word "eco-

nomies"—... with care and thoroughness into all possible economies"—and "efficiency in management" should be added: those are an integral part of that paragraph but perhaps the debate we had the other day so imbued the Ministers with the very serious aspect of the wastage which can take place through the lack of efficiency in management that it was perhaps unnecessary to put those two words into that paragraph. But I do hope that they will not be forgotten. You can cut out staff; you can do all sorts of things; but in any large organization one can never be complacent and as my friend said the other day, he was disappointed that Government would not do as he suggested.

Now, Sir, finally, I would like to express as best I can the attitude of my colleagues and myself towards the Government and the present constitution. It is one of determination to criticize when we believe the Government is wrong; but of equal determination to support the Government fully in the tasks that confront it and to make the present constitution work, in the belief that all pledges and undertakings of whatever nature given by the British Government in the past, not only to our community but to all communities, will be adhered to fully in spirit as well as the letter. It must be realized that as a community and as rightful inhabitants of this country, we are here to stay, and with loyalty and with a sense of responsibility, we will continue to play our part both in the Government and in the development of this country.

Sir, I beg to support.

SHEIKH MAHFOD S. MACKAWI (Arab Elected): Mr. Speaker, Sir, although on some occasions in this Council I have had to criticize certain aspects of His Excellency's speech from the Chair, but whenever I have said I have risen to congratulate him, I have always done so with the greatest sincerity.

Sir, it is very gratifying to hear the increasing words from His Excellency about the future prosperity of this country after such a bad time. Once more, Sir, I wish to record in this Council that most of the surprising recoveries this country has gained are due to the personal influence of His Excellency and this country should be grateful to have

[Sheikh Mahfod] him at this time. I therefore, Sir, wish to congratulate His Excellency most sincerely on his speech from the Chair. It is also gratifying, Sir, especially to my community, to observe that the Government will give full consideration to the social well-being and economic interests of His Highness's subjects in the Protectorate.

Now, Sir, I will turn to education. I am glad to note on the question of Arab education that the addition of the Arab girls' school has been partially completed and that the extra boarding accommodation at the boys' secondary school will be started during this year. I am sure, Sir, it will take a long time and more years until they start. I feel, however, Sir, the exclusion of any mention as to when the second Arab primary school for Arab boys would be built in Mombasa and it is a very disappointing omission to my community.

Again and again in this Council, I have urged the Government to treat this matter with the greatest urgency as over 400 boys are awaiting accommodation in the Arab Primary School, and a statement as to the actual position would be welcomed by my community.

We would also welcome a statement from the Director of Education as to when teachers to teach Arabic in Arab schools will be recruited.

Sir, it is a pity to note that of the £4,000,000 to be spent on road improvement in the Colony, no provision has been made from this fund to improve roads at the Coast. The Coast is, no doubt, the main attraction for the tourist trade in the Colony, and both the coast road and the main Mombasa/Nairobi road should have a substantial share of this fund.

With these remarks, Sir, I beg to support.

AIR CMDR. HOWARD-WILLIAMS (Nairobi North): Mr. Speaker, Sir, at the outset, I would like to applaud the speech made by His Excellency the Governor and crave the indulgence of this House for any shortcomings that they may observe like the ebullient, if unhappy, sailor reaching over the after-trail of his ship with his sins of omission. I find myself at some variance with the Corporate Member, Sir Alfred Vincent,

who seemed to think that the Governor had dealt with political stability. I feel that that is the most important issue that faces this Government and this House today. There is unquestionably a great wave of encouragement and future before this Colony. You have the resident Army Brigade here with possibly more to come; you have the deep-water survey for berths at Mombasa, and you now have two airports for Nairobi: Nairobi Airport and Eastleigh. One must be very careful in considering these matters to realize that whoever controls Mombasa commands not only Kenya and Uganda but the Sudan through the Owen Falls Dam, and Egypt. It is of the utmost import that we can, in the limit, easily wash the whole boiling outfit into the sea. As I said, I did not read into His Excellency's speech the import that I had hoped to see for political stability. Now, there is one angle and one aspect of that which is important; it is that we can do nothing about it. Only the Government can give us political stability and I would like, Sir, to ask the Government whether they would give us or in any way obtain for us a declaration that this Colony is going to remain non-racial; and that the merits of ability, experience and integrity are going to be the criteria for appointment everywhere and anywhere. If the Government should fail to give us some kind of declaration of that sort in quite clear-cut terms, I suggest that they will be responsible should this Colony become another Cyprus, because the Colony needs this political stability to attract its credit and attract the troops here. As I see it, with the Navy going from Ceylon and with Gan in the Maldives being an air base of some doubt, as I see it, Cyprus may one day go up in smoke—one hydrogen bomb can do it. With Field Marshal Montgomery, I agree that Africa may easily, if we are not careful, go the wrong side of the Iron Curtain as he said in his book; and if that happens, then it is all over with all of us. So, Sir, I do seek some declaration from the Government that our political stability is assured.

May I, Sir, thank the House for listening so patiently to my somewhat elementary remarks, but, Sir, as Mark Anthony said when he lifted the flap of Cleopatra's tent, "I have not come here to talk."

Mr. SLADE (Specially Elected Member): Mr. Speaker, I should like to congratulate the hon. Member for Nairobi North on his very excellent maiden speech; it was far-sighted, and one with every word of which I agree.

Sir, I would like also to congratulate the hon. Corporate Member for Commerce and Industry on all he had to say, and particularly in his assessment—and a very timely assessment. I think—of the position and proper attitude of hon. Members on this side of the Council. It is most fitting at the time of a general policy statement on behalf of the Government that we should make our position clear, and I should like to associate myself with him—and I am sure that I can speak for all other Specially Elected Members on this side of the Council—in agreeing that our function here is that of the voice of the public, with the duty of trying to help Government to govern well; to say if we think there are errors; to say if we think there is something that has not been done that should be done; but also to say when we think that Government is doing well. And we shall try to abide by that attitude. That is certainly my attitude today in what I have to say.

Sir, this speech by His Excellency is, as other hon. Members have said, reassuring in many respects. It is only one of those respects with which I want to deal. That is, the reassuring aspect of the evident determination now to streamline the economy of Government. I refer, Mr. Speaker, to the passage already quoted by the hon. Corporate Member; that is, paragraph 16 of His Excellency's speech, where he said that "Government is enquiring with care and thoroughness into all possible economies, and these will be made. I must remind the House that economies will be painful". That is amplified a little in the written statement of Government policy, page 5, paragraph 19, under the heading Treasury. "Estimates for the public services will be laid before Council in due course. These Estimates will reflect the Government's recognition that as the revenues of the Colony are no longer expanding as rapidly as in recent years, it is essential to make economies in public expenditure, and the Government is currently engaged in an investigation of the whole field of its activities to ascertain whether

economies can most properly be effected and certain steps have already been taken". Well, indeed they have, Sir; because we see from paragraph 18 of His Excellency's speech "with regard to public service that Government announced at the end of August that it was placing an embargo on all recruitment; and this embargo, although unpalatable to many people and certainly unwelcome in many respects to the Government, must continue until such time as the future policies which determine the pattern of Government expenditure are agreed". Well, drastic measures indeed, Sir; and in what striking contrast to the attitude we met only six months ago in the course of the Budget Debate. We were then, Sir, asking—as we have asked on many previous occasions—that Government should streamline its economy, particularly in the light of the recession which we had already entered and which lay ahead. If I might quote a few words of my own from HANSARD, Volume LXXVI (Part I), page 330—which was on 13th May this year. "That leads us to streamlining expenditure. Other hon. Members have spoken on that, and other Members will speak again. I agree with those who say that at present our Government is top-heavy. We must look more closely at the priorities of our expenditure; those priorities which I think are accepted as firstly, internal security; secondly, development; and thirdly, social welfare. At the same time, Sir, we must watch against false economies."

That, Sir, was said in the context of a mixture of falling prices and falling revenues, which I tried to bring before this Council. The reaction of Government in that month of May of this year was: "Nonsense; we are not facing these falling revenues; we do not need any further streamlining; we have the situation entirely in hand".

I will only quote two passages which illustrate that from the reply of the Minister for Finance and Development to that debate. The first is on page 698 of the same volume of HANSARD for the 21st May, and he was dealing with what I had said and, in particular, with what I had just quoted. "Sir, the hon. gentleman also said: 'Of course, the Minister for

(Mr. Slade) Finance"—I never know quite how they know what I am thinking, Sir—is only dealing with figures and basing his conclusions on figures up to the middle of 1957 or the end of 1957. Strange as it may seem," said the Minister with all his dramatic eloquence, "we have an Economic Research Division, and we have a Statistical Division, and they are supplying us with figures continually. Indeed, we call for all figures frequently. The strange thing is that the figures for the first three or four months do not paint this gloomy picture overall."

And then later in his peroration, still more dramatic, on page 716, he says: "I am still unrepentant, Sir, in so far as my faith and my belief in this country are concerned"—which apparently he appears to regard as peculiar to himself—"I believe that we have taken some of the worst of the recession; I believe that with the measures the Government has taken and is taking with the greatest possible expenditure on public works for the time being, with the tax cuts in those spheres of the individual which will give the individual incentive to develop, to spend and to save, this Budget has been a Budget that can well be called a Budget marching from the period of consolidation to a going forward to that prosperity which, whatever the ravens may say, I still believe is possible for this country in the near future."

He was, Sir, of course, quite ignoring that what we were asking for was not panic but realization of facts, acceptance that our economy had to be streamlined.

Now, Sir, that acceptance has come and with what a violent jerk. It is, Mr. Speaker, a very drastic thing indeed, suddenly, after a confident Budget to put an embargo on all recruitment for the public service until, in the words of His Excellency, "the future policies which determine the pattern of Government expenditure are agreed". Certainly, Sir, that represents an awful lot of thinking again by somebody and very, very hurried thinking again. We have reached such a parlous state, which has suddenly come to our notice—or rather the notice of Government because, Sir, we have been pointing it out for many months and years—such a parlous state has suddenly come to the notice of those

responsible that they have to clamp right down: "Stop, stop while we think, we cannot afford to take a single step forward until we get our breath and look round". That is where we are today, Sir.

It would be interesting to know why that has come about. What is the cause of this soul's awakening? How can it be that Government has really been ignorant for all these months and years of this necessity to streamline economy, so ignorant that they have to take this drastic step? The only explanation is that perhaps these figures, to which the Minister for Finance referred with such confidence six months ago, are not so reliable, or that they were misinterpreted, or that they were not fully disclosed to those who have the ultimate responsibility to decide on the policy of Government. However that may be, Sir, I do suggest that our responsible leaders in Government have been kept too long and too deeply in the dark as to how we stood in expenditure on our public services, and whatever may be the principle of collective responsibility, I would suggest that among themselves Government have got to hunt out individual responsibility here and lay it at the right door. I would like an assurance, Sir, that that is going to be done by Government for its own protection as well the protection of the public, against such a thing happening again.

Having said that, Sir, I welcome this stitch—not in time, just one of nine stitches that is necessary now; belated as it is, it is a response to our request.

Now, Sir, while welcoming this sudden and drastic appreciation of our needs, I do want to issue a warning, and that is, to keep calm and not to rush to the other extreme of wild slashings of our expenditure, regardless of where we can really afford to cut. I think, Sir, His Excellency recognizes that in the words he uses in paragraph 16 of his speech where he says, "I must remind the House that economies will be painful and that in a developing country such as Kenya certain services cannot be reduced without a disturbance of the economy and a risk of unemployment". Only, Sir, I would go further and say that certain services cannot be reduced at all. We do not want now or at any other time a Geddes' axe; we do not want an overall percentage cut of every service, regardless

[Mr. Slade]

of the value of that service. We must keep still in our minds the priorities of our economic needs. That is just as important, Sir, when it comes to cuts as when it comes to considering how you are going to spend your money. I would repeat, Sir, as I and others have said many times in this House, that the priorities are roughly: internal security first, immediate prosperity second and long-term development—including social development—third. I do beg Government to keep those priorities in mind when deciding on the cuts that now have to be made in the public machinery.

MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (MR. W. D. HAYLOCK): Child Welfare!

MR. H. SLADE: Indeed, Sir, I declare an interest in reverse, as the Minister says: my great interest is the Child Welfare Society, but I know very well—and I do not mind admitting it—that we, along with other social services, come third in this category of priorities. We are last on the list; so it has to be.

Sir, I am not speaking merely from theory but from bitter experience, when I ask Government to remember the importance of security in priorities, and when I support the hon. Corporate Member in what he said on that subject, I remember only too well the reaction of Government to the other desperate times in the 'thirties, when one of the services that was the first to feel the cuts and felt them hardest was the police. That was where we were proved so wrong—so terribly wrong—by events that followed, right up until the start of the Emergency. We must not make that mistake again. Memories can be short but certainly on that one mine is long.

Now, Sir, I want to conclude by referring back to what I said at the start of this speech; and that is how we on this side of Council are to help the Government to make a contribution towards the good government of this country. Now, Sir, in these matters of economy we can help, if only the Government will let us. I do sometimes feel—and I certainly felt this in that last Budget debate—that Government is too ready to resent offers of help from this side of the Council, too ready to regard us merely as destructive critics when our intention is something very different.

Now, Sir, Government have not got the monopoly of wisdom and experience in this country; there are many aspects of affairs of this country in which other people outside the Government have more experience. Government should draw on that experience. I do ask Government, in considering the economies which have now to be made, to use us on this side of the Council a bit more, and take our constructive advice, both inside and outside this Council.

Sir, I beg to support.

MR. TRAVADI: Mr. Speaker, Sir, I do not see any good in trying to support the Motion moved by the hon. Nominated Member, Mr. Rubia. I have my reasons, political, education primarily, and economic too. These reasons I will give very shortly, but before I do so I would like to comment upon the Sessional Paper as well as on the Speech delivered by His Excellency the Governor yesterday.

With regard to the electoral laws, they require revision in a way that so far as the election rules go I should like to strike out straight away the method of voting by ballot. I understand, I realize that in European countries, and particularly in the United Kingdom, this system is very much in evidence. There are soldiers and other people out of the United Kingdom, and when the time for the General Election comes, they must vote by post. But here, and more particularly with regard to the Asian community, when the voting goes on there are a lot of tricks which have been played, to my personal knowledge; and I would like to suggest that, when the right time comes this obnoxious system of voting by ballot should be abolished; if not for all the races, I would go so far as to say it should be abolished for Asians. This country is full of discriminatory legislation, and personally I should hate to see yet another discriminatory law added, but this might be necessary. I mean by this, of course, postal ballot.

So far as constituencies go, Mr. Speaker, I and my friend on the left and others like us representing Asian constituencies, but we have very big constituencies. Now I, to start with, have over 30,000 voters. Is it possible for me, a single-handed man, to contact and keep on contacting and continue to contact such a large number? That might have

[Mr. Travadi]

been possible if they were all in Nairobi alone, but then that is not the case. There is Nairobi, Limuru, Kikuyu, Maragua, Fort Hall, Thika, Karatina, Nyeri, Nanyuki, Meru, Embu, Isiolo, and so on and so on. I think these constituencies should be split up among more Members. The implication is that instead of having six Members to represent the whole Asian community there should be three times as many as there are today. That is my suggestion. And when the right time comes I would do my level best to mobilize my forces to make representations. Other races fight on party lines, but we have to fight such elections on our own, and have to spend money from our own pockets. The rules with regard to transporting voters have in some cases tactfully been evaded.

I would say that the electoral law requires thorough revision. There are cases now and in the 1952 elections, which I fought and which I lost to our Minister, when 72 prosecutions were promised and not a single one has been pursued. Since such a position now exists with regard to electoral laws, I would humbly submit to the Government that this should be thoroughly gone into; the necessary revisions should be made, including the addition of more Members to the Asian constituencies.

With regard to the cutting of expenditure, my personal experience of the Civil Service—not less than 29 years of it—shows me that the first and heaviest hammer falls on the Asian civil servants. Can anyone tell me why the first and heaviest hammer to fall should fall on the Asian. A month-and-a-half ago, when I and my learned friend heard that there was retrenchment going on in the Railway, we came to know that about 200 people had been sacked. We went to the Railway's offices and saw the Acting General Manager and found out to our surprise that one small mechanical department alone, about 200 workers were sacked. The information that was later supplied said that there were about 3,000 dismissed in 1958. I do not know how many of those were Asians. The breakdown of those figures was not disclosed. But my past experience, and the present experience I have shows me that the first hammer falls on the Asians.

I would therefore request the Chief Secretary or the Government Minister who has this matter in hand that when they undertake a policy of cutting expenditure, the unofficial Members should be taken into their confidence.

I know that the policy of "first in, last out" is being followed. Whoever joined most recently is asked to go first. That is agreed. But I found to my great surprise that people have been serving the Railways Administration and the Government on daily wages, not for a month or two, but for years and years, and still they are being dismissed. When we ask them what they have done, they say, "We just sacked those who were temporary only". But those temporary were all on daily wages. When we ask how long they have been serving on daily wages, we are told, "Oh, they have done five, seven, eight years' service". This sort of thing should not exist and the Asians should not be penalized in such a manner.

We understand, Sir, that the Lidbury Report, which has been adopted by the Government for the last four years, has abolished discrimination in the service as a whole. My bitter experience is that in practice, not in theory but in practice, there are ways and means devised whereby this principle can conveniently be avoided. I would like to give you one or two instances which do discriminate one against the other, and still the Lidbury Report says there should be no discrimination. One is the matter I have already mentioned this afternoon, that of inducement pay. That comes under the heading of discrimination. The second is designating certain posts so that they may not fall in a particular general scale of salary which is meant for a particular type of official or particular type of clerk. The third is, Sir, applying efficiency bars. These bars are applied in such a way that a particular member of a particular race is not able to go up; there he stands and there he stagnates. The fourth one is in spite of the fact that a man or a civil servant has certain academic qualifications, still his qualifications—because he has gained them in a particular part of the world—are not considered as good as those of a person who has gained them on the other side of the world. That is the fourth way of discriminating against people. I request that this type of discrimination may now and

[Mr. Travadi] henceforth be dispensed with, not in the interests of one man alone but in the interests of Kenya as a whole, irrespective of the place from which the servant of Kenya hails.

I am happy to read that after all the Government has accepted the principle of having an arbitration tribunal and that these arbitrations are to be set up in the very near future. I have nothing to say so far as that is concerned. I hope that the chairman will be more or less a person of high standing from the Judiciary, who will impartially adjudicate all the cases that may be brought to him.

As far as land consolidation is concerned, its report is coming before this House; a notice of Motion has already been given, and I do not want to dwell on that. But I would congratulate the various district commissioners, the provincial commissioners, administrative officers, district officers, district education officers and the other staff of officials who have been busy settling this most complicated method of land tenure. There are complaints; fortunately, I was for three weeks with an official team which visited the Central Province and I have seen with my own eyes what a great amount of good work is being done there. However, my only regret is—and it should be borne in mind by Government—that the officers should not be withdrawn suddenly from a project so that that project may collapse. That is my one request.

I think I will have a chance to speak further on this subject when the Motion of which notice has been given is brought before the House.

I also read in this statement of policy that the livestock of the European farmers is increasing day by day. When I was in the Attorney-General's office, I used to come across reports that the Africans were over-stocking and the animals had to be sent for slaughter; perhaps they were confiscated or sent for auction or slaughtered. I hope this is not repeated in the case of Europeans. That is the only observation I have to make on that point.

Now there is the question of produce, dairy produce, maize, coffee and many other things; these matters have been

coming before this House. Ways and means are being devised to control this production. As the world market stands today there is no market for over-production outside this country, and as a result of the Second World War prices have gone sky-high. Now to bring these prices down to their normal level, they will have to go to the level they were in 1939, when the war started, but if that is not possible the prices should at least be less than they are today; they should be reduced by 50 per cent if possible.

But efforts are being made to stabilize prices in this country, not to lower the cost of living. But, perhaps prices are not to go down at all. It is very difficult to bring down the cost of living. I am not attacking the standard of living and I am not out to lower the standard of living. What I am out for is to lower the cost of living, because those persons and classes of persons such as middle men, who have fixed incomes, and if the Government, one way or the other, goes on trying to stabilize the present prices as they are now doing it will be very difficult for these persons to exist—I may use that word literally.

The only difficulty, the only unfortunate thing is that the Asians are not producers. What I mean is, we should be given land and we should be allowed to become landowners, develop the country and share in the profit. Here is a one-sided plan. Formerly the whole thing is for one race and for one race alone; i.e. Europeans.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Bechgaard) took the Chair]

The Africans having now come in the whole thing is for Africans and for Europeans. To my greatest regret I say that Asians are not producers. They hardly have any land in the Highlands and they hardly get any chance to go into the native reserves, and then the hammer falls on them, because business and service are their temporary things to live on. They fluctuate with the fluctuation of the world market. Their services can be dispensed with at a month's notice. So the stability of the Asian community is precarious, and I submit

[Mr. Travadi] that ways and means have got to be found to help the Asians.

I now turn to the question of security. It is topmost in the minds of all people. I could only submit, Sir, that the time has come when the Emergency should be terminated at the earliest possible moment. My submission is—let it be handed over to the civil police; they are sufficiently strong now to handle 200 or 300 persons who are out to do wrong. I am not in sympathy with those who revolt. But I say that they should be handed over to the civil police so that movement of persons and freedom of expression of speech may not be hampered. People should be free to move around from one district to another as they wish. I have recently been in the Central Province area and there is a tremendous amount of inconvenience which could be eased by handing the whole thing over to the civil police.

I wish to touch on a subject which was mentioned by His Excellency in his speech yesterday—education. This has also been the subject of Sessional Paper No. 1. I am not going to touch on or discuss the recommendations of the Woodhead-Harper Report which, in due course, will come before this House for consideration. But I would like to draw the attention of this House, and through this House that of the general public, to the amount of injustice which has been meted out to the Asian community. There is injustice, being perpetrated on one community and one community alone; it is discrimination.

There is a quotation here. It says: "It will be convenient to summarize here the action taken in the last three development periods—those of 1944-1953, 1954-1957, and 1957 to 1960. The first of these was cut by half. The second was implemented to a large extent in its proposals for European education, fairly well for African education, to the extent of about half for Asians. The current programme . . . has so far been reduced, first by half, and then by 20 per cent. This stringency has already created serious difficulties in all sections of the educational system. To the outside observer it would seem that in the last 15 years the Government expenditure for the Asian schools has not been

sufficient to prevent them losing ground to European and to African schools". May I humbly and in all humility say that this is an indictment of criminal negligence on the part of the educational authorities to deprive the Asian children and thrust them into the streets. This is not a report by an Asian. It was made in 1946 and 1947 by Mr. Kazimi. When the terms of reference were fixed the gentleman was told, "You are hemmed and tied up financially because there is no money to implement anything. Within that budget there is only so much available". Today Colonial Office experts have been here, and have applied impartial minds.

Nowadays there is the question of the junior delinquency. I have appeared in two or three places in the last year where there are boys of 16, 17 and 18 who have been caught for stealing.

Now, Sir, this question has been tackled in the Report. I would say that the sooner these recommendations are considered by the Government the better it will be for them. In one place in the Report it says: "To meet present requirements 830 classrooms are absolutely essential". May I therefore humbly recommend that the Government hurry up with the consideration of these recommendations. The Advisory Board is meeting tomorrow morning. We request the new Director of Education and the new Minister to apply their minds to this knotty problem, to try to solve it and to try to satisfy everybody as much as they can. I would go so far as to request this Government to do the needful.

£55,000,000 were spent on *Mau Mau*. I do not think that the Government want the Asians to go that way. In the year 1951 the whole of the Advisory Board resigned in protest against directing money. Thanks to the hon. Mr. Vasey, he came to our aid and eventually some schools were built, and they were a little bit satisfied. But again, the problem is a problem with a greater extent. I would not touch upon this subject very much but I would try to avoid it, but I feel so strongly that something is urgently required to be dealt with, and I hope that something will be done.

I do not put the whole burden on the Government. I would even humbly tell my community to apply the principle

[Mr. Travadi] — But the Indian community here since its very inception in this Colony has built hundreds of schools—not one of two, or ten, but hundreds, or more than a hundred. As they have made sacrifices for education is it now not the time for the Government to come forward with a plan to meet the total requirements of the Indian community? Never, during my whole stay in this Colony, has there been a year when there was no waiting list. Our requirements have never been completely met.

With these remarks, Sir, I will leave out the question of education which is found to be debated here later on and when individual recommendations will be made.

Sir, I come to the political side of His Excellency's speech and I would like to give my opinion on this matter not only as expressed in the Sessional Paper but also in His Excellency's speech. At one point His Excellency said that the constitution was a flexible one and in the very next breath he said: "Yet changes will not take place unless there is negotiation in the true sense of the word". He went on to say that the Government is always open to reasonable suggestions. However, if he had stopped there it would have created a hopeful situation, but he threw down a gauntlet when he said: "As it is now constituted it can, and, if necessary, it will, carry on the administration of the country". By that he meant, as I understand it, they could carry on without the presence or the co-operation of those who are dissatisfied with it. This is a challenge to those who asked for a round table conference or for a constitutional expert to come and advise us and bring about some sort of acceptable settlement. The use of the words "negotiation" in the true sense of the word and "reasonable suggestions" suggests purely and simply dictation, one-way traffic.

In quoting the Secretary of State's press statement, His Excellency said that the Government of Kenya must be in the hands of responsible people. It is our task to do all we can to increase the number of responsible Kenyans—I underline the word Kenyans—and to give them all possible encouragement to work in harmony together. The use of

the words "responsible Kenyans" is significant. The idea of the Secretary of State to create Kenyans and inject them with responsibility does not exist in either the speech or the Sessional Paper. I would like to ask where these Kenyans are, first of all. If you want to create Kenyans in Kenya you require, in my humble opinion, some sort of Kenya citizenship legislation. As I said before, throughout the speech and the Sessional Paper there is no suggestion whatsoever of creating Kenya citizens.

Everybody still preaches multi-racialism and Kenya citizenship, but I will repeat that there is nothing in these two papers to suggest that. In my election campaign I told my voters that as soon as I entered the Legislative Council I would cease to be an Indian and would talk and think in terms of being a Kenyan, and I want to become a Kenyan *de facto* and *de jure*. I want everyone here and everyone outside to be on equal terms. I am in search of equality, but I am sorry to say that after 41 years of living in Kenya, and seeing my children and my children's children born in this part of Africa, I have not been able to attain that status.

Someone suggested to me while I was discussing this problem—in a joke no doubt—that I should become a white man to enjoy the fruits of the Highlands. How can I? Probably in my second birth, but not in this life. Could anyone inject me to turn my skin from brown to white? Even if that happens, I would not be allowed to occupy or to hold a single piece of land in the Highlands.

There is a second alternative. It was also suggested to me that I should turn into an African, that is, assume the qualities of my African friends. But, alas, there is a reservation there—namely, the reserves. Africans say, "You cannot come into our reserves; keep away".

Why am I not then happy to remain an Indian? No. There is a snag there too. I cannot even remain an Indian. The Legislative Council Ordinance designates me not as an Indian but as a non-Muslim. I do not know, Sir, where I stand.

My question is: is there anything in the statement of policy which could give equality and give me contentment and allow me freely to support the Motion? I stand here, as a British subject, and

[Mr. Travadi] — demand equality from every corner, not only in the administrative side of the Civil Service, but everywhere right down to local government.

I am sorry to take up more time, but I would like to give the Council a concrete example. Take the shilling coin. There is the imprint on it of Her Majesty the Queen. That shilling will not buy one piece of the Highlands for a non-European. The same shilling will be of much more value if a white man is the possessor of it. Take that same shilling, in a town or village, and its value is much smaller. In a town you have to pay Sh. 5,000 or Sh. 10,000 for a small piece of land but if you buy an acre of land in the White Highlands it will cost you Sh. 100 or Sh. 500—or at the most, a thousand or two. Why is it that the value of a shilling in the possession of an Asian fluctuates? In the White Highlands and in the native reserves, Asian money has no value.

Coming to the matter of population and representation, there are over 6,000,000 Africans in Kenya; over 160,000 Asians and about 60,000 or 62,000 Europeans. However you look at it, the immigration law which is so rigid and tight as regards the Asians that even the doctors and advocates cannot easily come here to this country.

Then the question arises: if that is so, cannot these 160,000 Asians be absorbed in the body politic of Kenya? Can they not be treated as everyone's equal and be allowed to settle anywhere in Kenya? There are 160,000 only. Everyone is aware that the whole 160,000 will not go farming. There are traders, there are civil servants, artisans—skilled and unskilled men. According to estimates I have obtained, hardly one person in a hundred of this 160,000 will go farming if they are allowed to buy land in these two areas. So at the rate of 1 per cent, there will be hardly 1,600 Asians who would go farming. The area of Kenya is about 225,000 square miles. These 1,600 would hardly occupy 40,000 acres. That is a very small part of 225,000 square miles. I leave that matter here for the consideration of Government; the settlement of Asians on land is still being considered.

There was a time when these Highlands were being reserved, and a quarter of this Kenya lowland was being offered to the Asians as their reserve, and on a point of principle the Asians rejected that offer. I would ask why, if at one time the Kenya Government and the Colonial Office were ready to give lowlands to Asians, we cannot find out the area of those lowlands. See if it comes to 50,000 square miles or 100,000 square miles. Put a restriction on it, that the land the Asian will occupy will be 6,000 square miles or something else and not beyond that, and with still immigration, try to integrate 160,000 Asians and have one race which is called the race of Kenyans in that case.

I would now like to talk about the freedom of trade. What is that treaty which is called the Congo Basin Treaty, which provided for freedom of trade to its signatories? Before India became independent, she was a signatory and she can still be deemed to be a signatory of that treaty. If Asians have come from India should not they have such freedom of trade in the whole four corners of Kenya?

If they are born and settled here, have they no right of freedom of trade? We feel those who are born here can call themselves Africans and have the right to move about in the White Highlands and native reserves, to do the necessary trading. Why can they not trade? Only we are confined to trading centres which are situated in the highlands and the native reserves.

It strikes me that why, we have rights of trading in the Highland townships, why then not in these new satellite villages which are now being created? I am just asking for allowing the Asians to trade in the markets and only in these villages, and allow them to open small industries so that the little feeling of segregation and discrimination will disappear.

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) took the Chair]

The Asian traders' plight is bad. It is only a question of time: their days are

[Mr. Travadi] numbered. I am told by responsible officers that their days are numbered. They will go back to Nairobi so that they can save their skin. I am not after African lands, nor do I want to swamp the Highlands. What I am pleading is for a little bit of free trading so that my community can stand on its legs. Formerly, the Government was more or less for European development, and how, as I have said before, it goes for European and African development. Now is there anything for Asian development? The only thing that matters the Asians is Asian education, which I mentioned before. The Asians have been here for centuries and are going to remain here for ever. They have been instrumental in opening the doors of Kenya by their adventurous spirit, sacrifice and hard work, but it is because they are so thrifty, industrious, more attentive to business than any other race, and hence their position is intolerable. In this Legislative Council, for the last 30 years, they have been sitting but without many seats. In 1923 we had five seats, in 1952 we got one more, making six. That meant for religious and separate electoral roll.

I should not tell the Members of this House more about this. I therefore again repeat that I demand as a matter of right and privilege equality both in the Kenya Legislature and in the Council of Ministers. Asian loyalty and devotion to this country is unchallenged, and their allegiance to Her Majesty the Queen is beyond reproach: they have gone twice through two world wars; Asians have fought in the theatre of war and have come out with flying colours, even on this continent and on this part of Central and East Africa, including Kenya, Asians have shed their blood and served this country. If proof is needed, if anybody doubts it, I would ask him to read the latest publication on Kings' African Rifles, which is the study of military history. There are many incidents given. Indians have fought in Central Africa and even on Kenya soil; they have been brought into this country to defend and to save this part of Africa for us all. I therefore again demand political equality both in the Kenya Legislature and the Council of Ministers in its administrative machinery and educative bodies and in local government and other boards. Probably by now, if there had been

equality, I might have been Minister of Education, but my young children are still suffering from lack of opportunity. But let me make it absolutely clear, that in demanding this I never claim that I want any privileged position over anybody or for any race. I simply claim equality.

The Government is aware, if I may be allowed to say so, of the Kenya Indian Congress at Mombasa resolution: its fourth paragraph says—"The Lennox-Boyd Constitution does not satisfy any of the present needs of the Indian community regarding its representation on the Government and the legislature and fails to provide a durable basis for the development of political understanding and goodwill for the people of the Colony". As everybody is aware, both Asians and Africans have rejected some on conditions. There can be no settlement unless and until all the races are put on a basis of equality. The Arabs, too, should have adequate representation: the freeing of Asian representation in the Legislative Council on a basis of fourteen-fourteen and six can never bring peace to this country. We should not talk of multi-racialism, non-racialism, or mono-racialism unless equality for all the races is established.

I therefore, with regret, have to differ with the opinion expressed by the hon. Member Mr. Rubia, and I beg to oppose.

COL. JACKMAN (Nominated Member): Mr. Speaker, Sir, I find myself in the somewhat unfortunate position of a batsman who is accustomed to going in number 10 and suddenly gets advanced in the batting order and has not had time to put his pads on. I would like to assure the House that at least I intend to get on and get out.

First of all, Sir, I would like to associate myself very fully with what has been said by previous hon. speakers, with the exception of the last, regarding His Excellency the Governor's speech which we heard here yesterday. I think one speaker said, Sir, that it did not go quite far enough, as he would have liked it to, but for all that, Sir, so far as I was concerned I found it very refreshing and encouraging.

Now, Sir, there are only a very few points that I want to deal with, and the first one is on this matter of government

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economies. Sir, we have heard the hon. Specially Elected Member, Mr. Humphrey Slade, deal with this extremely adequately and on a very high level, but I would like to take it down a bit lower and deal particularly with the matter of the development of administrative officers in the field. In the district where I live, Sir, there is undoubtedly a great deal of feeling that the present administrative set-up is over-loaded, and I will give you an illustration of what has happened in the past. Before the Emergency, Sir, we had in this district no administrative officer of any kind, and whatever had to be done was done in those days by the District Commissioner, Nakuru. I am not suggesting, Sir, that that was the best arrangement, but there it was. A little later we advanced by having a labour officer appointed, and I think this was a very good step. Then the Emergency came, Sir, and a local farmer was employed as temporary district officer with the minimum of secretarial assistance. That went on for quite some time, but since things have quietened down, as they have done for some time in that area, we now find ourselves in possession of no less than two district officers with office staffs, a labour officer with his staff, and a pass-book control officer with her staff. We have now no less than four fairly highly paid administrative officers in that area, and the feeling is that however desirable it may be to have these numbers, it is really more than the country can afford. In fact, Sir, it might be described by some people as moving from the ridiculous to the sublime, when it is very questionable today whether we can afford the sublime. In addition to that, Sir, there have been of course parallel expansions on the local government side, and many of the duties that used to fall on the district commissioner, particularly in relation to townships, are now dealt with by local government bodies. We have also got something which I think is of great value, and that is the system of chiefs in the area who go round and see the labour on farms to discuss labour problems with the employers, and I think they are very useful. But for all that, Sir, we have had this parallel increase, that is an increase in local government which we are told to

get on with, and I think most people want to get on with it and take over more responsibilities. But far from reducing the administrative side by expanding the local government side, the administrative side has also, as I pointed out, increased very very considerably.

Now, Sir, in the last session we were promised by the hon. Chief Secretary that in due course there would be a statement to this House on economies which the Government have been able to introduce. I would only ask the Government, Sir, when they are considering these economies that they will not forget the aspect that they will mentioned, because I can assure them that it is of very great concern to a lot of people.

Next, Sir, I would like to say just a word about land consolidation. I had the pleasure, Sir, a couple of months ago of paying a visit to the Central Province, along with some other hon. Members of this House. We went to Kiambu, Nyeri, and part of Embu, and I was extremely impressed with what I saw in those areas. I think all the people concerned—and when I say all I mean all—have done a most remarkable job of work and they all impressed me with their enthusiasm which in some cases almost amounted to dedication. Also, they could not possibly have achieved what they have achieved in a comparatively short time without the wholehearted co-operation of the actual inhabitants of the area, and this they got, I am sure, by encouragement. However, they did get it, and we saw no one in that area who was not absolutely convinced that land consolidation was the right thing and was going to bring them considerable benefits. I only mention this, Sir, because I feel it should be suitable for me to pay a public tribute to the efforts of all those people.

The next point I wanted to mention, Sir, is this question of marketing. Undoubtedly production is going up and will continue to go up, and it is quite the most important matter agriculturally today to find profitable markets. I was therefore very pleased to see the remarks on this subject in the Sessional Paper, and also the assurance given that very shortly there will be a trade representative appointed in the Central African Federation—I mean in Rhodesia. I think that

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that appointment is long over-due and I hope that whoever is concerned with it will be able to announce the name of the selected person as soon as possible. I also hope the chap who is selected will be someone who will have the confidence of the people whom he will be representing down there, and that he will be the very best quality man that we can possibly produce.

My next point, Sir, is on this question of our £4,000,000 loan for roads. I think that this is an extremely far seeing and bold step for the Government to have taken, particularly in this time of financial stringency. We want these roads for the future development of the country, and if we had handled the problem in the ordinary way, by trying to raise long-term loans, we would of course have been up against the difficulty of the restricted loan market available to us, and if we had taken this money for roads and we would have had probably to have given up some other equally important development project. As it is, Sir, we appear to be getting the best of both worlds and I hope that everyone will appreciate the efforts which have been made to secure this agreement.

Finally, Sir, I would like to lump two things together, that is, game and tourism. No one could be more pleased than I was to read—not only in the Sessional Paper but previously in other reports—of the success of these anti-poaching teams in the Tsavo Park area. Sir, I am one of those people who believe that one of our biggest assets in this country is our wild life, and that no steps should be ignored which preserve that asset for the future. It is not only an asset to the people of this country, Sir; it is a world asset. I therefore hope that, because of this recent success, efforts will not be relaxed, for it is very easy for the thing to start up again. I know that the people who are concerned with it feel that way themselves, and I would ask that if at any time they feel that it is essential for them to have some more money to deal with this problem, that they should come to us and see if we cannot agree to let them have it.

I have read the Game Committee's Policy Report with the greatest interest, and I am very glad that we are going to have a chance of talking about it in

this Council later on. I think it is an excellent report and well worth study by anyone who is interested.

As regards tourism, which is, of course, related to this national asset of our wild life, not many things have been said in the Sessional Paper about it, but there is one peculiarity which strikes me, and that is that the new Minister, as far as I know, has not got a vote and appears to be operating on a shoestring. I do not know how he does it, but if he can get away with it I think it would be a very good thing to suggest to other ministries. However, Sir, I know he is really keen and anxious to get the tourist industry expanded as far as possible, and I do think that it is something which can be expanded with imagination and drive; it can be expanded to bring in very considerable more revenue to this country, and that quickly, and I wish him the best of luck in his efforts.

Sir, I do not think I need keep the House any longer. There will be a lot of other people wanting to talk about different things, and therefore, Sir, I beg to support.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, Sir, I do not know whether it is purely coincidental, but the debate this afternoon is much more like the kind of debates we used to have when there was far more constructive thought in the House than has been evident in the recent cross-country debates that we have had. In fact, having heard the hon. Corporate Member and all the other speakers on the other side, I feel almost like the American attorney who, when he has completely floored the defence, says: "The State rests." I feel we could almost have rested on His Excellency's Speech yesterday. In fact, Sir, it has been rather confusing so far this afternoon, if one closes one's eyes, to know exactly which side the voice is coming from, because there have been, so many nice things said on the other side and one or two criticisms on this side, that I got completely confused.

So much, Sir, that having heard the hon. Corporate Member speak, I remembered that some of us pulled one of my ministerial colleague's legs last night by saying that we thought he had put a

[The European Minister without Portfolio] Sir, the hon. Specially Elected Member, Mr. Slade, repeated in other words the sentiment expressed by the hon. Corporate Member, that it was his duty—as he saw it—and that of his colleagues, to assist the Government to govern. I believe that has always been the policy of the majority of the Opposition in this House, whoever has composed it. It has always been considered that the job of the Opposition is to bring constructive criticism, and in so doing to try to make the Government of the country better than if that criticism did not exist.

Now, Sir, I do thank the hon. Member for having pinpointed the Government's determination to make sure that subversion and violence will not be tolerated at all. I think that His Excellency, in his Speech, was quite categorical on that point, and on other points which are allied to it. I feel that the country can rest assured that that is the determined policy of the Government.

The hon. Member, Sir, said that he hoped the Government, in carrying out economies, would make sure that they maintained the personnel necessary for police and administration. I can assure the hon. Member, Sir, that again it is Government policy to make sure that the country is properly covered with police and administration, and it does bring me to a point made by the hon. Specially Elected Member, Mr. Slade, who said that all departments could not be cut—that there must be priority in cuts—and I think what I have just said on the police and administration probably is the reply to that. Government is considering the services—those services on which economies can be made and those services which it would be false economy to cut.

Now, Sir, I would like to congratulate the hon. Member for Nairobi North on his non controversial maiden speech. I do not intend to do more than touch on one point, and that is that he said a most extraordinary thing; he said—if I understood him aright—only the Government can give political stability; we can do nothing about it; "we" being the Opposition. Sir, I would maintain that the standard of speeches from that side of the House this afternoon, with one exception this time, have done a considerable amount to secure political stability, and if the same standard of behaviour inside and outside this House is kept, then the Opposition can play a great part. In fact, it is its duty to play that part in the maintenance and the establishment of political stability.

Sir, the hon. Specially Elected Member, Mr. Slade, repeated in other words the sentiment expressed by the hon. Corporate Member, that it was his duty—as he saw it—and that of his colleagues, to assist the Government to govern. I believe that has always been the policy of the majority of the Opposition in this House, whoever has composed it. It has always been considered that the job of the Opposition is to bring constructive criticism, and in so doing to try to make the Government of the country better than if that criticism did not exist.

This afternoon there has been a lot of constructive criticism. I will deal with the hon. Member for Central Area in a minute, but otherwise the criticism, what there has been, has been almost wholly constructive. One of the reasons, Sir, why I am not going to pick up all the points made in this debate so far is because it is Government's policy—as I think a Bill which went through its Second Reading earlier this afternoon demonstrates—to listen to criticism that is truly constructive and to try to learn from it, which, Sir, brings me to another point made by the hon. Corporate Member.

I do not intend in this debate—and I hope other Members will not intend in this debate—to turn this into a second Select Committee of the Central Legislative Assembly but, Sir, we shall all watch the deliberations of that Select Committee with interest, and I would only say this: that so far I am not admitting that Government have been convinced—as many people have said or suggested—that they have made a mistake over the tax proposals. If it is shown that Government has made a mistake, this Government is not going to be pig-headed about it, but so far the evidence has not been sufficiently mustered to convince Government that it has made a mistake. The hon. Member for Nairobi West looks worried by his expression. I know he has worked very hard and very seriously in this matter, Sir, and I am most impressed with the statement, quoted by the hon. Member of the President of the Association of Accountants; but, Sir, you know in these matters it is always possible to produce both sides of the picture if you want to. I, frankly enough, only this morning received a letter from that land of golden opportunity, South Africa, where we are told everybody is going to

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send their money to, asking for chances of investment in Kenya. Now that is the other side of the picture. The people in South Africa may be fools, we may be fools; but I would suggest, Sir, that lots of people are fools and we want to try to sort out who is right and who is wrong. So far we have not been convinced.

Now, Sir, I come to the Member for the Central Area. I am sorry he is not here, because I wanted him to hear the latest parody on Winston Churchill. I could not help feeling, Sir, that never in the field of human oratory has one man said so little for so long. I said earlier that this reminded me of the old debates, when both sides tried to be constructive, but funny enough the hon. Member for Central Area comes from a long, long line of hon.—and they have many of them been learned—Members who have said precisely what he said this afternoon, and have almost taken as long in saying it.

Now, Sir, I kept a score of his speech. He started off by telling us he was opposing the Motion, and I wondered why. He actually brought up ten things, and I scored where he agreed with Government and where he did not. First of all I counted up my ten subjects, and I found that I had five ticks; that meant that he agreed with Government. Then I had six crosses, and I could not understand how he and six made ten. Then I realized that I had given two crosses to education, as it is quite obvious that he and the Government will never agree on education. As for the rest, Sir, there was not anything very important, and certainly nothing new that he said.

I did rather query that, when he said that Africans were not producers, I do not know whether he has read the coffee statistics that were mentioned yesterday. There are other fields of agricultural enterprise where the Africans are coming in very fast indeed, and I have no doubt that the hon. Minister for Agriculture will deal with them in due course.

Now, Sir, there were just one or two things which I thought worthy of note. On the political side, he criticized the passage in His Excellency's Speech where His Excellency, talking about the Government, said: "it will, and it can,

carry on the administration if necessary." His Excellency was saying that this Government would and could carry on the administration of this country. I would have thought, Sir, a member of the hon. gentleman's community would be the first person to suffer if British administration broke down in this country, and it defeats me completely how he can criticize a passage of His Excellency's speech which promises that gentleman and the whole of his community the protection of British administration. He said, Sir, in criticizing His Excellency's words, that where changes could be made in the Constitution after negotiation—he said this meant dictation, Sir, there may be some peculiar Asiatic meaning of "negotiation", but it certainly is not what we in this House—of all races, I hope—know as being "negotiation".

He asked, Sir: "Kenya, what are they?" Then he told us, Sir, that he wanted to become one *de jure de facto*. I will tell you what they are not, Sir, *de facto*. They are not Members of this Council who use the word "Asian" over 200 times in one speech. They are people that look on this country as their own, regardless of their race or their colour. They are not people who use this as a platform for demonstrating alleged grievances of the whole Asiatic community. I have answered, Sir, what Kenyans are not, and I hope he will remember that.

One of the other things which he blamed Government for, as far as I can understand it, was that he was not born white. Sir, I refute any responsibility for that whatsoever.

He mentioned, Sir, the Congo Basin Treaties, which is a subject that as a lawyer, I am sure he knows a lot about. I, Sir, as a politician, know a little about the Congo Basin Treaties, but I could not quite see what it had to do with Asians trading in African villages up-country.

He seems to forget, Sir, that this country—this Government—has a responsibility to all communities in this country. Four years ago a very great experiment was started with villagizing the Kikuyu. When those villages were started, it was part of the Government's policy to try and build up a proper village life, a social life, as well as a commercial life, and I think, Sir, be-

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would agree with this reasoning—that as we have got to trade we have got to teach Africans the arts of trade and commerce, and that the right place where they should start is among their own people where they understand the habits of the local people. Government, Sir, has a responsibility towards the African people to make sure that they can learn the arts of the trade, free from the more developed systems of older civilization.

Finally, Sir, the hon. Member did suggest that we should hand security over to the civil police. I think, I am right? Sir, the end of the shooting war in the Emergency was marked by the whole of the Emergency exercise being handed over to the civil police. That was the point at which we said the violent side was petering out. Security, Sir, is in the hands of the civil police and security will remain in whichever hands the Government considers are likely to keep this country most secure, and if it is necessary to assist the civil police in any way for maintaining security, this Government will so maintain it.

Sir, I beg to support.

MR. USUKU (Mombasa): Mr. Speaker, Sir, I had thought that perhaps this address to which we listened yesterday from His Excellency and the Sessional Paper were "the mixture as before", but they are not really "the mixture as before".

The first few paragraphs of His Excellency's Speech will have put great heart into nearly all of us, though in one way, of course, it may be similar to all other statements of this kind. I am quite sure that when we have made our constructive suggestions and do not get exactly what we want in the Budget next year we shall be told that it is the policy that is formed in this House which shows how the money should be spent and therefore what taxation is necessary. We shall be told it, no doubt, possibly with variation, but all I care to say about that is that we expect to be told it. Age, in fact, cannot wither it, nor custom stale its infinite banality.

Sir, particularly as coming from the Coast, I should like to welcome the exposition by His Excellency of the policy as regards the Protectorate and, too, His Excellency's assurance that that

status will be maintained and that full consideration will be given to the social well-being and economic interests of the Sultan's subjects.

Now, Sir, I would like to take this opportunity of saying that His Highness's subjects have behaved in circumstances of anxiety and of provocation with very great dignity and very great restraint. I also welcome that statement about the 'enhancement' of the state of the Mombasa Municipal Board and particularly what has been said in regard to the new council's powers to form parishes. I have only one observation to make at the moment; perhaps the Minister would be able in his reply to satisfy us upon the subject of their capacity to raise funds outside those that are raised by the rates of the parent body. In other words, if a parish hires off and desires services that cannot be paid for by the general rates of the municipality, will they be at liberty to go ahead and provide the finance for themselves?

I see also that there is a planning survey and master plan project for the Mombasa Island and District. My hon. friend, the gracious lady Member for Usin-Gishu, has a question down on the subject of planning in Mombasa and I do not wish to go into that subject, but I do ask the Minister if he would somehow ensure that any such plan will be sufficiently elastic to ensure that zoning proposals in particular are not too rigid. The shape of many of the land units on the Coast is quite peculiar; that is due to certain historical matters and one wants to feel that it will be possible to have a zoning plan which can be varied according to the nature of the terrain.

Now, Sir, I will cease to be parochial and I should like to address myself to the Minister for Labour particularly on a point first of African unemployment. It is described in the Sessional Paper as an aftermath of the Emergency, partly. Yes, that is true; but I am going to suggest that it is also due in part, particularly as far as the towns are concerned, to the Government's persistent failure in spite of repeated promises in this House, to deal with the problems which are created by unrestricted movement into the urban areas. For years I have been urging this matter upon the Government and I know that it has been difficult, but

[Mr. Usher] We have been promised that something would be done through amendment of the Vagrancy Law. Personally, I did not feel that perhaps that would be as efficacious as Government hoped and suggested. I had supposed that it would perhaps be better done by some form of restriction which could be applied after consultation between the urban authorities and those in the country. Nevertheless I withhold further criticism on that and merely observe that we have not yet seen the amendment to the Vagrancy Ordinance which was promised to us.

Of course, as in Nairobi, we have a great many peripatetic work-seekers. I live, myself, in the middle of the town and they come almost daily up to my own quarters there seeking work mostly as typists but occasionally it is work as office boys.

Now, Sir, this is pathetic. If one could help one would do so, but I am afraid I have always been reduced to pointing out to them that there is a labour exchange and that it does get people work. But I am saddened by the look almost of dismay on some of their faces.

I welcome what was said about the development of machinery for joint consultation and collective bargaining and I should like merely now to say how important I feel it is that to strengthen both sides of the contract, as it were. It is necessary to have trade unions which are fully representative, and with a fully paid-up membership I would add, with a reputation for integrity and a sense of responsibility in their approach to industrial problems. Both sides need strengthening. Sir, the employers as well, because you may get a situation in which either the employers or the employees will refuse to negotiate on the grounds that the other side is not either responsible or representative. Such a refusal was recently made by the employers in the last Mombasa dock strike.

May I, in welcoming back the Minister for Commerce and Industry just put two points within his Portfolio? It must have been the hope of most of us who have been associated in any way with the problems arising from rent control that legislation would be possible, upon the

lines of that most excellent report which was furnished to him, some time ago before the close of this year. Whether that is possible I do not know but it has been suggested to me that it will have to wait a little longer than that. I hope that he will be able to say that we can have it before the end of the year because that would satisfy most people and, if not, that it will be as soon as possible—as early as possible in the New Year.

One small point which I note with disappointment is that the scrap metal legislation is only to provide for non-ferrous metals in the first instance. I do appreciate, Sir, that this type of legislation is open to considerable objection in itself. But, nevertheless, I must reserve my right to criticize that omission of ferrous metals when the time comes to debate it in this House.

May I now have a word in regard to tourism? I greatly welcome the creation of this Ministry, not perhaps least because of what the hon. Nominated Member Col. Jackman said just now, that it is so delightfully small. The Minister has gone at his work with the very greatest energy and it does simplify things in this House, Sir, that we should have someone to whom we can go who can co-ordinate the views of the many Ministries which used to be involved in this industry.

Just a word upon the hotel minimum standards legislation and grading of hotels, and specially upon the grading of hotels. I want to make two suggestions to the Minister on that subject. He might consider in regard to the setting up of a separate organization, if it needs setting up at all, to deal with what one might call sub-standard hotels. There is an old English word for what I mean; I think it is a doss-house. I do not think perhaps that it is right that the Hotel Authority or a projection of it in the form of a subsidiary authority should be concerned with these places which can perhaps be dealt with by the health authorities concerned.

The second point is that I would urge him to approach the subject of grading of hotels with some caution. I do not know what is projected because I have not seen the draft regulations on this subject, but I do suggest that it would

[Mr. Usher] be wise in the first instance to limit the grades to perhaps only three and I know that the Minister will have in mind that once you start grading you do start as well some kind of unofficial tariff control.

Sir, we have had a great boost to tourism recently, particularly I am thinking now of the visits of the A.I.T. —I will not attempt to give it its full name—and of Aftour. The visits were extraordinarily successful and this success is very largely due to the immense amount of work put in by the East African Tourist Travel Association. Now you have here a small and most efficient organization and I suggest to Government that possibly its efficiency may be due in some considerable measure to its smallness. It is right, I think now, to make mention of those people who have borne the heat and burden of the day. I am thinking in particular, of course, of Mr. Mathews, who for ten years has been slopping away at this important matter, and, on my own doorstep, almost, Mr. Robinson. They should not be forgotten.

My next remarks are directed to the hon. Minister for Security and Defence. I wish to touch upon the subject of prisons and a little upon penal reform. As background may I remind hon. Members that the net expenditure this year is £1,304,850 as against £1,262,614 last year. Now that is no great increase and we know actually that that is affected quite considerably by the amount of Emergency expenditure allowed. But when he was introducing the estimate during the Budget Session, the Minister did remind us that 82.5 per cent of prisoners, in the ordinary prisons that is, were those who were sentenced to less than six months, that only 1 per cent were sentenced to between two and three years and 1.9 per cent were sentenced to three years or more. That was obviously a matter of some disquiet to the Minister. I find, however, that no solution to this situation has so far been suggested. May I also give some figures in regard to what we generally call the Cap. 80 prisoners, that is the detainees who are not Mau Mau detainees or anything of that sort? That daily average rose from 5,171 in 1956 to 6,796 in 1957. One point which

I should like to make here is that when you see the categories of offences, by far the greatest is that of African poll tax, and here we have a serious dilemma. An African who is sentenced to this form of detention for not paying his poll tax either has not the means to pay it or if he has the means one can say that it should be recoverable by distress. I dare say a great deal is recovered by distress but, nevertheless, Sir, I am very far from satisfied that sufficient effort is made to do that.

Now, during that speech to which I have referred when the Minister spoke of the necessity or desirability of instituting some kind of Borstal system and, indeed, I am suggesting to him now that there is a real need for penal reform. This absurd situation that exists in the prisons must strike everybody, it means that the great part of the prisoners are not long enough there for the prison to have any reformatory effect whatsoever and it is a very great expense to the country.

I am not able to suggest how this matter should be dealt with but it might be that the judiciary should consider their sentences rather more carefully. It might be that we could introduce some system of extra-mural treatment for offences. I am not suggesting by any means that the Minister should invite the Howard League out here or any of those people who, as was once said: "those so-called experts who cut the milk-teeth of their inexperience on the uncomplaining breast of Africa", but I would ask him for that consultation with the Minister for Legal Affairs to consider how this situation can be bettered.

Just one last word upon the financial side, I think I must say something although I have a question down on the subject in regard to exchange control. Some of us in this House will remember that the Exchange Control Ordinance was enacted here in 1950 and of course, it was an extension of the control that had existed since the beginning of the war, and it was designed precisely to conserve and to augment supplies of foreign currency. We are now reaching a stage when there is frequent talks of exchange control being lifted, of sterling

[Mr. Usher] being made convertible; whether it is just round the corner, nobody can say, but we believe it not to be far distant. In those circumstances, it is strange indeed that the exchange controller here should invite the attention of the banks, through whom, of course, foreign exchange is channelled to the Bank of England, to exercise some more restrictive measures and to advise those who brought foreign exchange to them that they should cut it down or cease to receive it. It is, of course, quite true that large concerns can apply to the Treasury and can be granted permission to receive foreign exchange in certain forms, in bills and in traveller's cheques. But there is a very large range of other institutions—I would say, for instance, a small barber in Salim Road in Mombasa; he is visited perhaps by an American seaman who wants a haircut and puts down a ten-dollar bill, and the money then goes into the hands of the barber. Where it goes to after that, I do not know. It is suggested, of course, that it goes into the black market, and I dare say some of it does. What I am suggesting here is that there is no very great amount concerned; also I am suggesting that if you are going to discourage people from receiving and turning in foreign exchange, you may create a greater black market than that which exists at present.

I have mentioned this subject although I have a question down about it, and I would ask the Minister, if he is able to help us in this matter, to do so in his reply. If he cannot, we shall understand that he is pursuing the subject with those who really control the matter. In general, Sir, I would ask that when the Budget comes to be considered, which will be very soon now, the Government would bear in mind those principles which must operate in times of—shall we say, restraint. I use that word because it was used in a leading article in the current issue of the *Economist* and I am going to use some expressions that they used in that article. The tenor of it was that in times of restraint, the Government should "concentrate any increase in its own spending on public capital formation which should never be the first candidate for the axe." I can suggest—and I know that the Minister for Commerce

and Industry knows—one good idea that I have. I believe he will deal with it.

The main burnt, they say, should fall on current expenditure and on stock building (commonly we now use Americanism, "stock piling"). Every effort should be made to reduce current expenditure. There is one other matter germane to this and that is in regard to the inflation, or measure of inflation, that will follow the trough of depression in which we find ourselves now. That is, that "the extent", as this article points out, "to which total demand can be increased without running into inflation will depend mainly on how far we can avoid wage inflation".

Sir, our revenue prospects are not, as I am sure my hon. friend realizes, quite as good as we might hope. I have acquired the latest figures—well, they were last Friday's—in regard to the customs and excise revenue which is a subject of great importance to us. The figures I have are for July, August and September; but it is to be remembered that September was obviously then an estimate, although it must be very close indeed. Roughly speaking, we are on the total about 5 per cent down on the estimate. But we are ahead of the collection made for the same period last year, which is a great comfort. Now, what does this all amount to? It really means that if the short-fall continues at its present rate—and there is no reason to suppose that it will—we do face a deficit of customs and excise revenue of something like £635,000 for the year. Let us hope that that will not happen, and that conditions will improve. It may be of interest to know that the short-fall in customs revenue is about 3 per cent, and of excise some 10 per cent. The total, as the customs component is very much larger than the excise component, is about 5 per cent at present.

For some three years or more, I have had to ask in this House that we pay honour to the Plewman Report and to those who composed it. When I brought this matter up last time, it was not unsympathetically received by the Minister for Finance. In fact, he almost said "Amen", but somehow, at the last minute, as happened to Macbeth, "Amen" stuck in his throat, and he would not come out with it definitely, and say that he was going to see that

[Mr. Usher] we opened the gap the right way. I am asking now that the Government should keep that gap open, because when we began to go in the wrong direction, when direct taxation came into the ascendency, we delivered to ourselves a subtle but serious wound. It almost went unobserved, and even now, we can say, I think, it is perhaps "not so deep as a well nor so wide as a church door", but if it goes on, "it will be enough: 'twill serve".

Sir, I beg to support.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): As I shall have to interrupt business in accordance with Standing Orders in three minutes' time, I do not feel it is right to call on a Member to speak for so short a time, in a debate of this importance. I therefore suggest it would be convenient to the House if I adjourn Council until tomorrow.

I therefore adjourn the House until 2.30 p.m. tomorrow, Thursday, 6th November.

The House rose at twelve minutes past six o'clock.

Thursday, 6th November, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

1958/59 Supplementary Estimate (No. 1).

1958/59 Development Supplementary Estimate (No. 1).

(By THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

NOTICES OF MOTION

SESSIONAL COMMITTEE—APPOINTMENT OF THE CHIEF SECRETARY (Mr. Coult): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in accordance with Standing Order No. 118, the following Members be nominated as members of the Sessional Committee for the current Session:

- Chief Secretary (Chairman).
- Minister for Legal Affairs.
- Minister for Finance and Development.
- Group Capt. the Hon. L. R. Briggs.
- Capt. the Hon. C. W. A. G. Hamley, O.B.E., R.N.
- Hon. N. F. Harris.
- Hon. S. G. Hassan, M.B.E.
- Hon. Sheikh Mohamed Ali Said el Mandry.
- Hon. C. B. Madan, Q.C.
- Hon. Sir Charles Markham, Bt.
- Hon. T. J. Mboya.
- Hon. D. T. arap Moi.
- Hon. J. M. Muchura.
- Hon. J. C. M. Nazareth, Q.C.
- Hon. C. W. Rubia.

SUPPLEMENTARY ESTIMATE NO. 1 OF 1958/59

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, I beg to give notice of the following Motions:—

THAT a sum not exceeding £73,784 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimate No. 1 of 1958/59.

DEVELOPMENT SUPPLEMENTARY ESTIMATE NO. 1 OF 1958/59

THAT a sum not exceeding £2,752,307 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimate No. 1 of 1958/59.

I beg to notify the Council, Sir, that the consent of the Governor has been received to the introduction of these Motions.

KENYA CULTURAL CENTRE GUARANTEE

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council notes that the Government intends to guarantee the repayment by the Kenya Cultural Centre of a sum of £30,000, with interest thereon, which the Centre proposes to borrow from sources, on conditions and for a period approved by the Government, for the purpose of building extensions to its premises.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 3

MR. ALEXANDER (Nairobi West) asked the Minister for Finance and Development to state what proportion of the National Income of Kenya was taken in taxation by Central and Local Government in 1938, 1955, 1956 and 1957 respectively?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Figures of the national income are not available for 1938.

The percentages for the other three years are as follows:—

	Central Government per cent	Local Government per cent
1955	15.4	1.3
1956	16.5	1.5
1957	15.5	1.5

The figures for 1957 are partly based on estimates. Local Government rates include rates paid by the Central Government, and an adjustment has been made to avoid the double counting of taxation on this account.

MR. ALEXANDER: Mr. Speaker, Sir, arising out of that reply, would the Minister state what percentage is regarded as being dangerous for the financial repercussions that will arise therefrom?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That, Sir, is a matter of opinion.

MR. COOKE (Coast): Mr. Speaker, is the percentage not very much lower than that in Southern and Northern Rhodesia and South Africa and most other parts?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That, Sir, is another question.

MR. ALEXANDER: Mr. Speaker, Sir, is the Minister not aware that in other places it has been regarded—a figure of 20 per cent—as being dangerous in its financial implications? It is obvious from this that we are reaching very nearly that figure.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That, Sir, is again a question of opinion.

QUESTION No. 13

MR. TRAVADI asked the Minister for Education, Labour and Lands the number of schools (European, Asian, Arab and African) which have no assembly halls, and the reasons therefor?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): The information requested is not readily available and I cannot undertake to provide it by launching a special enquiry of every school in the country.

MR. TRAVADI: Why is that so? Every school is under the Minister's control, and every inch of land is also under his control—

SEVERAL HON. MEMBERS: Speech!

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Sir, the computation of the money and effort required to find out this information might be the equivalent of building one reasonable assembly hall.

QUESTION No. 14

MR. TRAVADI asked the Minister for Education, Labour and Lands:—

(a) How many schools (both Government and aided) (primary and secondary) have their own playing fields?

(b) How many have not?

(c) Whether they are adequate and sufficient in relation to the number of school population of each school?

(d) Their respective acreages?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Any attempt to compile the information requested would probably fail through the lack of a generally accepted definition of a playing field and would in any case involve a disproportionate expenditure of time and effort on the part of officers employed to promote the education of the people of this country. In general, adequate recreational facilities are available to children at most schools.

QUESTION No. 16

MR. ALEXANDER asked the Chief Secretary:—

(a) Whether he is aware that in connexion with a recent appointment to the Dairy Board the invitation to an individual in Nairobi was sent from a Government Ministry by telegram when a letter was sufficient and perhaps as quick.

(b) What is the practice of Government regarding the use of telegrams by public servants when adequate alternative means are available and are less costly.

THE CHIEF SECRETARY (Mr. Conitt): I confirm that the facts are as stated in

the first part of the question. The issue of the telegram was authorized in error by a senior officer, who has expressed regret. I should like to add that the sending of the telegram was entirely the result of a human error and has not revealed any weakness in financial control.

As regards the second part of the question the practice of the Government regarding the issue of telegrams is that the cheapest form of communication should be used, provided it can be relied upon to bring the message to the addressee in time. Government departments have been asked to exercise the utmost economy.

QUESTION No. 19

MR. SLADE asked the Minister for Works:—

(1) Is the Minister aware that the bas-relief at the entrance to Nairobi Airport, depicting the Sun-God in his chariot, bears a misspelt inscription of the Greek word for "Sun"?

(2) Will this error be corrected?

(3) If so, when?

THE MINISTER FOR WORKS (Mr. Nathoo): Yes, Sir, I had my attention drawn to this misspelling some time ago. The word was erased in mid-September and I do not propose to reinstate any lettering, particularly in view of the apparent disagreement among gentlemen of classical education as to what the correct spelling and script should be.

MR. SLADE: Sir, would the Minister state by whom his attention was drawn to this error?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, my attention was drawn to this by the Classical Society in Kenya.

MR. SLADE: Would the Minister be prepared to accept the opinion of the Classical Association as to the correct lettering?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, I do not think so until the classical scholars themselves are in agreement as to what they want to do. Until that time, my intention is to present this picture as a

(The Minister for Works) said horse trying to extract information from a Minister of the Crown.

Sir CHARLES MARKHAM (Ukamba). Mr. Speaker, arising out of the Minister's reply, in view of the reluctance shown by him to obtain a classical education, would he please refrain from wearing the tie of the school which has a classical education.

SEVERAL HON. MEMBERS: Shame.

Sir CHARLES MARKHAM: It is a shame, you are quite right.

QUESTION No. 32

Mr. HUGHES (Uasin Gishu) asked the Minister for Works whether Government can give an assurance that the present realignment of the Nakuru Eldoret road as being carried out between Mau Summit and Timboroa is the final alignment and if so when it is expected that this surface will be tar-macadamized together with the dates for the completion of tar-macadamized surface between Timboroa and Eldoret?

THE MINISTER FOR WORKS (Mr. Nathoo). The realignment of the Nakuru Eldoret road now being carried out between Mau Summit and Timboroa is the final alignment for the standards of the present age.

I cannot say exactly when the road from Mau Summit to Eldoret will be tar-macadamized but it will be in the new £2,000,000 project and should be done within at least the next three years.

I cannot give a more precise answer than that because the details of the programme will depend largely upon final advice from the Road Authority and the plans of the contractors, who must see their plant and resources to achieve the most economic working.

Sir CHARLES MARKHAM: Mr. Speaker, arising out of that reply, would the Minister state at what is contained in the Sessional Paper about doing the Nyeri road first, why he cannot give a definite date, as obviously the Road Authority has made up their plans already.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, the Road Authority has not finally decided as to what should be the priorities of the roads in this programme. The other thing is that until such time the Road Authority finally decides with the contractors as to how the roads will be made, I cannot give a definite reply.

Sir CHARLES MARKHAM: Could I suggest to the hon. Minister, Sir, that he reads his own Sessional Paper? It definitely says in that the Road Authority has allocated first priority to the Nyeri road.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, it has not been definitely allocated but that is my surmise, that this will be one of the first roads to be built.

Mrs. HUGHES: Mr. Speaker, is the Minister aware of the number of accidents on the road from Timboroa to Eldoret caused through the excessive dust on that road?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, I travel that road extensively and I am fully cognizant of the fact that apart from the accidents the road gets impassable during fine wet weather and I will give it the highest possible recommendation to the Road Authority.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Africans (Life Assurance Control) (Amendment) Bill

Clauses 2, 3 and 4 agreed to.

New Clause

Mr. BUTTER: Sir, I beg to move that the following additional clause be added at the end of the Bill:—

"That section 5 of and the Schedule to the Principal Ordinance be each amended by the deletion of "2 and 3, sub-section (1) of section 4, and section 6", and the substitution thereof of "2, 3 and sub-section (1) of section 4."

[Mr. Butler] I am grateful to the hon. Member for the Central Area for having pointed out the need for this additional clause and also for having agreed to withdraw his amendment and accept the amendment now proposed.

Question proposed. The question was put and carried. Title agreed to. Clause 1 agreed to. Bill to be reported with amendment.

The Pensions (Amendment) Bill. Clauses 2, 3, 4, 5, 6 and 7 agreed to. Title agreed to. Clause 1 agreed to. Bill to be reported without amendment.

The question was put and carried. Council resumed. [Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

The Africans (Life Assurance) (Amendment) Bill

THE CHAIRMAN OF COMMITTEES (Mr. Conroy): Mr. Speaker, I have to report that a Committee of the whole Council has been through the Africans (Life Assurance) (Amendment) Bill and has approved the same with amendments.

Report ordered to be considered to-morrow.

REPORT

THIRD READING

The Pensions (Amendment) Bill

THE CHAIRMAN OF COMMITTEES (Mr. Conroy): Mr. Speaker, I have to report that a Committee of the whole Council has considered the Pensions (Amendment) Bill and has approved the same without amendment.

The question was put and carried.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. MacKenzie): Mr. Speaker, I beg to move that the Pensions (Amendment) Bill be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried. The Bill was accordingly read a Third Time and passed.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

MAJOR ROBERTS (Rift Valley): Mr. Speaker, I am most grateful to His Excellency for having made it so perfectly clear that there will be no changes in the present constitution. Further, Sir, I am grateful that he made it perfectly clear that the Government of this country will remain in the hands of responsible people. For, Sir, I am adamant that it must be so and I am now confident that it will be so. However, Sir, I feel that that particular point wants stressing much more strongly in words of one syllable in order that all people of this country can be quite sure that that is the intention of Her Majesty's Government. The sooner the so-called African nationalist leaders have this drummed into their heads by both parties in the House of Commons the sooner, Sir, will they realize, I think, that they themselves are pursuing a barren policy. The European community, Sir, are quite adamant on this point. But, Sir, the European community are also quite adamant that they have no desire and no intention of dominating any other race in this country. But, Sir, they are equally determined that no other race is going to dominate them. We are equally determined that no one is going to drive us out of this country, where we have a perfect right to be.

Here, Sir, for the benefit of certain Africans, on this point I will make it perfectly clear that we do not mind what Dr. Nkrumah has said, what Mr. Nasser has said or what any Pan African Conference has said, or even what Comintern Russia may think. We are quite adamant on that point and we believe that the British Government is equally adamant.

Now, Sir, I feel that this doctrine must receive the support of all true Kenyans and I think it must receive the support of all our Asian friends. I think, Sir, that the time has come when certain Asians should come off the fence and show us in the open just which side of the fence they are grazing.

[Major Roberts]

Now, Sir, while dealing with the Asians I would like to refer to a speech made yesterday by my hon. friend the European Minister without Portfolio, because, Sir, I find that I must disagree with him. If I remember rightly, Sir, when referring to the speech made by the hon. Member for the Central Area he said this: "Never in the field of human oratory has one man taken so long to say so little". Now, Sir, I disagree with him because I feel that never in the field of human endeavour was one man done so much damage to his own community in such a short time.

I feel that the African nationalists do not really understand the British mentality. I feel that they take our benevolence, our charity, our sense of fair play, our willingness to see everyone else's point of view to the detriment of our own, as a sign of weakness. But, Sir, they must realize that we will go so far but no farther. This was made clear by the British race to Kaiser Germany, to the Hitler Germany, and to Italy, much to their cost. Mr. Nasser may make the same mistake and so may Communist Russia. I only hope that our friends in this country will not do the same.

I take heart, Sir, because there are many hon. African Members on both sides of this House who, I am sure, realize and appreciate that British colonial policy is something to be grateful for. Perhaps, Sir, like me, they wish it were a little more forceful, more firm, and more direct. However, Sir, the record of British colonial administration is something of which we are proud. The British Empire has been and will remain the greatest force for peace and justice that this world has ever known, and I am sure that these hon. African Members realize and appreciate this and that they take heart and encouragement from it.

I am sure, Sir, that all loyal Africans, all Asians who have the courage of their convictions, all the Europeans in fact who are all true Kenyans, will look forward with confidence to security and prosperity in this country, each with his own part to play so long as it remains under the British Crown—and that, Sir, is going to be for a long, long time.

We settlers, Sir, abused as we are by irresponsible demagogues, have nothing

to be ashamed of. In fact, we have a record in this country to be proud of. The development and the prosperity of this country today are due to our hard work and our determination. We shall continue this work, Sir, for the good of all. No one will deter or frighten us from this purpose. Let no one think they can.

Sir, I would like the Government to be more firm in making all these things clear. That will help to bring about a political stability in this country which would do so much to bring to an end the political bickering and allow our endeavours and our energies to be concentrated on the economic problem which is the real problem facing Government and this country today.

Certain people talk a great deal about closer integration between races. Integration cannot be brought about by artificial means, nor can there be a blue-print for it: if it is desired it must evolve. This will be a slow process. If it is left to evolve no harm will be done. But if there is any attempt to thwart it then racial struggle will be fermented. Water and oil will not mix. Some processing has to be carried out first.

Nature, Sir, is the best processor of all and nature, Sir, is the finest craftsman of all, but it must be remembered that both oil and water in their normal state are required by machines to make them run coolly and smoothly.

Sir, I feel that there are five fundamental principles which, if followed, and if made clear by Government would bring about confidence in this country and political stability.

Firstly, Sir, Government must remain in the hands of responsible people. Secondly, Sir, no one race will dominate another. Thirdly, integration will not be forced on communities. Fourthly, each race is here to stay and will stay in security, retaining its own cultures. Lastly, Sir, the standards that will remain will be British standards.

Now, Sir, there is a continual outcry from certain quarters for freedom. I think they call it. Sir, I wonder if these people really know what freedom means, for they have always been free since British rule came to East Africa. Ah! Sir, they have never experienced a dictatorship. To me, freedom means this: to be free of

[Major Roberts]

worry, financial worry, and employment; to be able to live a decent life, contributing something of worth to the common cause and common prosperity and the knowledge, Sir, that if I am sick or in distress I can receive the best treatment that modern science can provide; and, Sir, to be able to move at will without fear from lawless people. In other words, Sir, freedom means that I belong to a community of decent people with high morals and high standards. Now, Sir, this can only happen if one lives in a country where there is a good government composed of able people with a high sense of duty and of experience. This, Sir, is what we have achieved and what we intend to keep achieving. His Excellency, in his speech, outlined a policy of freedom. To those who cry for freedom, I say this: can they in all sincerity name a country outside the British Commonwealth where they could live with such freedom as they do here in Kenya? Where, Sir, for instance, could a farm labourer during harvest time just take three days off because he feels he wants to? Where could the same farm labourer be granted two weeks' leave and stay away for three months, and when he returns, Sir, suffer no discomfort? Where else, Sir, can a man work or not work as he so pleases? Where, Sir, could a responsible person acclaim publicly that a convicted enemy of Her Majesty the Queen, was in fact his real leader, and go away unpunished? Sir, in Kenya these things can be done, for Sir, it is a free country, maybe too free, far too free.

Now, Sir, I feel that I may have been giving glimpses of the obvious, but I feel that these matters need stressing, and I feel too, Sir, that Government should be more positive, more definite, and more firm in these matters. This is a multi-racial country; our problems are difficult to solve because of this fact, but we do not want apartheid. We are not going to have African domination. We want a good Government, a Government of responsible people that will govern for the good of all, and that, Sir, is just what we are going to keep. Let there be no doubt about it.

Now, Sir, there are a few points with which I wish to deal on Sessional Paper No. 1 of 1958/59. Firstly, under the Ministry of Internal Security and in

particular, the fight against crime. Here, Sir, I feel that Government has not been sufficiently definite or firm. It is not reassuring to be told that police preventative and investigation methods continue to improve. What is needed, Sir, is for the punishment to fit the crime. What is needed is that that punishment is publicized so that people intending to commit the crime know just what they must expect. I feel, Sir, that when it comes to crimes with violence, there should only be one answer, Sir: flogging. I feel that if that was introduced, if that medicine that I suggest was administered, no one would come up for a second dose. I feel, Sir, it would save a great deal of money, and the police a great deal of work, and would soon restore the possibility of being able to move about the streets without any fear of being molested.

Now, Sir, secondly, I would like to refer to the Ministry of Education, Labour and Lands. With regard, Sir, to the rather indefinite proposals of introducing a minimum wage into rural areas: I hope, Sir, that if the Minister speaks in this debate, he will be more definite as to exactly what that means. But I would like to point out, Sir, that this question of wages must vary very considerably from district to district. For, Sir, it depends very much on the type of labour that is employed. Some are willing to work considerably more than others, but, Sir, I feel it most dangerous to endeavour to introduce a minimum wage for the agricultural workers unless at the same time minimum work is also introduced. Well, now, I feel it is almost impossible in this country to introduce any measures of minimum work and therefore, Sir, I do hope that Government will be very careful before they introduce anything in the way of minimum wages for the agricultural worker.

Thirdly, Sir, I would like to refer to the Ministry of Local Government, Health and Town Planning. It is there my belief, and the belief of the organization that I have the honour to lead, that the surest method of giving security to the various communities is to place the control of their domestic concerns in the hands of local government, which, Sir, is a form of government which is answerable to an electorate. Now, Sir, I note with a great deal of pleasure that

[Major Roberts]
Government does intend to devolve more and more powers to local authorities, but, Sir, it is no use doing this unless there goes with it the finance without which they cannot carry out those duties. Now Government is very indefinite, Sir, as to how that finance is to be made available, which, Sir, brings me to my fourth point: it comes under the Treasury. I must make it clear that the taxpayer in this country is feeling the bottom of his pocket. In many cases, that pocket has now been emptied. Government is slowly killing the goose that lays the golden egg, and here, Sir, I must refer back to my last point on local government. Government cannot expect local authorities to obtain finance by any more local rating unless, Sir, at the same time Government is willing to give a corresponding decrease in central taxation. The taxpayer has reached the limit of taxation that he can stand and I think that Government must be aware of this. I only hope they take notice of it. Really, Sir, I feel that what is required is not any modification or extension to the present system of taxation, but a new form of tax structure altogether, and I would strongly urge Government to consider this.

Mr. Speaker, Sir, I beg to support.

MR. NGOME (Specially Elected). Mr. Speaker, Sir, I wish to say just a few words about His Excellency's Speech which was delivered here the day before yesterday. I am very pleased with that Speech because I know the people at the Coast were very much disappointed during the last few months, and with this Speech by His Excellency, the minds of the people down there are very much cooled down.

However, the Speech by His Excellency is a very good picture to us here and I shall not say as much as my hon. friend, the Member who has just sat down. I quite agree with all he said here.

With regard to the policy of the Government in this country: the people in this country, as His Excellency described two days ago, must live together and build up a good co-operation for security and prosperity. We cannot live together unless we co-operate. I see there is a battle in this country, particularly between the Members in this House; I

mean, we are here representing the country as a whole, and the difficulty of this problem is that if we cannot co-operate, we cannot eat together; we cannot work together. We may do so, but there must be some disagreement. I remember in November, 1915, a day I shall not forget, when I was in the army. A British officer in the field one night addressed me as "Brother Gibson" because we were in the battlefield, and by his addressing me like that I was happy because we were in one tent and we were fighting for our British Empire—until the war was over.

Here is the document containing the Speech of His Excellency, the Governor. He does not declare here that a particular race is to live in this country, but he says here that all races must work together for security and prosperity in this country; and unless we are brothers, on the face of the picture given in His Excellency's Speech here, we cannot work together. We cannot eat together; we cannot help the country, as we can see that the country is just like a battlefield.

If we are to conquer the battle as it is today—the races do not agree; the friends do not agree; the officers do not agree; the juniors do not agree—the only remedy is that we must work together; we must be in co-operation, and by co-operation, we will conquer the battle. We cannot talk here about co-operation unless our hearts are pure. The Bible declares "Blessed are the pure in heart". If our hearts are pure, then there is co-operation.

Everybody here will remember, each and everyone will understand what his heart is feeling. If you have selfish interests in this country then we can do nothing. We shall enter this House, day and night, and have no success. Mr. Speaker, the country is full of trouble, full of friction, general disagreement among all races. Well, I do not say I do not agree with Europeans. I do not agree with Asians, but I may not agree with my fellow African, that is the whole trouble, and the best thing to do, if we are all here, we fight one goal, then probably we shall be all right. We shall put our aim, our fettle, into one goal. We are not together if we are not co-operating. If we are not sitting together as true brothers I am afraid it

[Mr. Ngome]
will take a long time until we come together in this battlefield.

People outside are watching everybody and asking every honourable Member of this House "What are you doing in the House of the Council"? Our general reply is, "We are quite all right". It is never quite all right when it is all wrong. The general answer we give to the public outside is, "The Council is going on all right", but it is never all right.

Mr. Speaker, to conclude my statement I would congratulate the hon. Member who started the Motion about His Excellency. He is the first African in this House who has moved such a motion and I congratulate him in the way he put the Motion, thanking His Excellency for opening the Session in this House, and our duty here is to pray for peace in this country. Mr. Speaker, I beg to support.

GROUP CAPTAIN BRIGGS (Mount Kenya). Mr. Speaker, Sir, I would first of all like to endorse the remarks of the hon. corporate Member for Commerce and Industry concerning His Excellency's statement concerning the constitutional position, and I should also like to say that I find myself very much in agreement with the hon. Member for Rift Valley and also the views expressed by the latter speaker in what I thought was an extremely forthright and courageous speech. I was also glad that in the course of His Excellency's speech a further statement was made regarding Jomo Kenyatta, confirming that he will not in any circumstances be allowed to return to create further mischief in this country, but I fear that there were some important omissions from the remainder of His Excellency's speech concerning security which I should like to deal with a little later on.

In the meantime I should like to read the excerpt from the speech regarding rural wages to which the hon. Member for Rift Valley has already referred, because I think it is a little ambiguous. I may have misunderstood the intention, and I may have misunderstood the ultimate objectives of it. It reads as follows: "As regards rural wages the Government intends to set up suitable machinery whereby minimum wages in the agricultural industry can be fixed

after consultation with employers and employees".

Now Sir, regardless of the merits or demerits of the case for machinery for deciding the level of rural wages I believe this is not an opportune time for making such a proposal, for, on the one hand, the farmer is going through extremely hard times, and on the other, the Government faces a serious unemployment problem. In both cases the difficulties should, in my opinion, only be increased by the action contemplated.

Now, in present circumstances, few farmers are doing more than make ends meet. Many are not so fortunate. The proposal therefore will have a depressing effect on those who already have many anxieties and I fear that if it is carried through to its ultimate conclusion that there is an increase in the wages rates it will have a deplorable effect, and I assume that the Government has given thought to the problem of increased unemployment, which must be the result, of course, of any general increase in the cost of farm labour, and I would like to know, if that is the case, how they would propose to deal with it. For, if on the other hand, increases are not contemplated, it seems a singularly inopportune time to initiate what must be obviously a fairly costly and what appears to be an entirely unnecessary venture. I hope therefore that Government will give second thoughts to a proposal concerning which I am bound to say I have so far heard very few convincing arguments.

Now, Sir, I should like to take up the question of security, and I should like to comment on this in two stages. In the first place, concerning ordinary crime, which may or may not have a subversive background, and then go on to subversion in the broader sense.

Crimes and violence involving all races are becoming increasingly frequent, not only in Nairobi, but also up country. Two Europeans have been murdered in the past 12 months or so, although whether they had a subversive background I do not know; and also attacks on persons of all races appear to be becoming increasingly frequent. There may, of course, as explained, have been an overall reduction in the figures for crime, but I am bound to say that that is not apparent to the public.

[Group Capt. Briggs]

Now, Sir, subversion. Whilst noting what was said in regard to action against K.K.M. I feel bound to say that I believe this is a sufficiently serious threat to receive a much wider review than in fact it did. For instance, I would like to know what action has been taken against those who have been found collecting poison. I would like to know their numbers and I would like to know whether they are in custody. I would like to know that all possible precautions are being taken to safeguard poisons of all varieties. I would like to know how many ex-detainees are involved in K.K.M., but what causes me even more concern is that there has been no reference whatsoever to subversive activities other than *Mau Mau* and K.K.M. Now I have for long held the view that the fomenting of race hatred as a mass movement will only end in violence. I still hold that view and I am convinced that it is right. Indeed I regard that threat as being at least as potentially dangerous as K.K.M. itself. If not mere so. Now I have always believed that a campaign of the sort I have referred to would in Africa be accompanied by direct and indirect forms of subversion.

Today I have in my possession information which suggests that my fears are well founded and I have reason to believe that the same information is in the possession of the Government, yet we have heard no note of warning from the Government and no indication whatsoever that this major threat even exists. Yet, if my thinking is right—at a time when it would seem that precautions are necessary the theme has been mainly on restrictions being lifted and on emergency services being withdrawn or cut down. For example, in my own constituency several rural telephone exchanges which were virtually necessary during the Emergency and on which farmers were called on to pay substantial sums for installation—the service which was a 24-hour one has now been reduced to daylight hours only. I may add that there has been no reduction in the rental charges. In addition to that, there have been other changes which, for security reasons, I will not refer to, but which in the present circumstances I consider very unwise.

Now, my hon. friend the European Minister without Portfolio, when speaking yesterday, indicated Government would not tolerate violence in any form, or in any circumstances I think he added. My hon. friend will recollect that when I was a Member of the Government I made similar statements on several occasions but, unfortunately, if Government did not tolerate violence neither did they, in my opinion, take positive steps to avert the danger. Therefore, in the absence of any statement to the contrary, I gain the impression that Government is waiting in the hope that the situation will improve. Now, Sir, that is precisely what happened in the case of *Mau Mau* and I have the uncomfortable feeling that that is what is perhaps happening now, though I hope I may be wrong. There is no doubt that subversion is much more easily dealt within the early stages. The longer it is left the more destructive and dangerous it becomes and the harder to deal with.

Sir, I hope that if the Government agrees that a threat exists that they will not only take immediate and forceful action, but they will also acquaint the public with the facts.

Mr. Speaker, Sir, subject to these comments I beg to support.

MR. SMITH (Nominated Member):
Mr. Speaker, Sir, may I first say how much I appreciate being a new Member of this House when, for the first time two days ago I had the privilege of listening to His Excellency's speech in the formal opening of this new session.

Sir, I would like to put forward a few remarks on a subject—already mentioned by my colleague, the hon. Mover and other Members, namely, land consolidation, but more particularly in connexion with the further development in the areas where land consolidation is now complete. On 28th August this year at approximately five in the evening, I was privileged, together with other Members of this House, to witness the completion of land consolidation in the Kiambu District and to see the very last acre plotted on paper in the field.

The District Commissioner, Kiambu, who was with us, congratulated all those concerned, quite rightly, on the completion of their very large project, including the chairman of the local committee responsible for collecting together

[Mr. Smith]

all the fragments of land and, with the almost complete co-operation of the African peoples concerned, consolidating them into an economic unit under single ownership. This chairman, Sir, an elderly, dignified Kikuyu, in his reply, considered that the next step might well be to ask Government for financial assistance for the further development of these smallholdings on sound agricultural lines. This, Sir, will indeed be the next step. If the land now consolidated is to go forward into production, I hope all the Ministers concerned will be able to ensure that sufficient funds for this purpose are made available in the future, possibly from our own development funds when the overseas grants are exhausted—possibly next year.

I understand that land consolidation in the whole of the Central Province will be virtually completed in the near future. Sir, the reasons for getting this work done quickly in this particular province in just over two years are well known to this Council, but I do trust that there will be no financial discrimination now in stopping the survey work, registration, issuing of titles and all the build-up of consolidation in the other areas. I refer particularly to the Elgeyo District and its peoples, who have started consolidation but have not as yet had as full support as the Central Province—although they were never concerned with the *Mau Mau* rebellion as such, except at all times to fight against it.

Good farm planning, Sir, in these districts—and I would include, of course, all the districts which are now being consolidated more and more rapidly and which do include the Kipsigis country, the Nandi country, Northern Nyanza and Elgon Nyanza to my own knowledge—will create greater and greater marketing problems, but I think they are problems that must be faced. I feel sure, Sir, it would be very wrong to limit the production of any Kenya crops—or the better known Kenya crops—either to any particular area or to meet internal requirements only. I believe we should face this question of exports surplus and would suggest three ways—and there are many more—of doing so. One, Sir, in all areas would be by more efficient farming methods which will lower the cost of production; secondly by ensuring that

all our agricultural purchases, such as farm machinery, equipment and spares, are purchased at what I can only describe now as reasonable prices; thirdly, the assistance of Government will be necessary in many ways. Firstly in the possibly lower export freights and possibly cheaper freights for other produce and machinery. One hears that the price of maize, whatever it may be landed at Mombasa in a truck, is three shillings more by the time it is in the ship; that seems to us rather a lot without knowing how those figures are made up. One would wonder if, with Government assistance, that sort of reduction there could indeed assist the farmer. I am sure, Sir, that we can get down to this problem with the assistance of Government.

Finally, Sir, bound up with both land consolidation and the production and marketing of crops, there is, I feel sure, a very important fact to remember, particularly in the newly consolidated areas, and that is the part that livestock must play. That is one of the big and important things to my mind. The hon. Member, I think, for Central Area was a little worried in his speech yesterday when he said that the build-up of European stock was quite considerable and trusted that we would not be overstocked as had happened in the African areas. Sir, I do not think that we shall ever get overstocked with the proper type of stock, at least not for many years to come.

Sir, I beg to support.

MR. HASSAN (East Electoral Area):
Mr. Speaker, Sir, I rise to associate myself with quite a number of speakers who paid tribute to His Excellency the Governor for giving us the assurance that all those who have made this country their home and are permanent residents will have everything done in its power for them, to protect and to safeguard their economic and social interests. Not only that but the Government will see that they will have to carry on the responsibility of keeping law and order and peace in this country for the benefit of those who have made this country their home.

At the same time, the Governor said that it would be right that we should associate people of all races in the

(Mr. Hassan) government of this country, and at the same time he said that the increase of responsible people of Kenya in that government will also be looked after.

Sir, it was the speech of His Excellency and these points which were very much appreciated by us all, and I do not think there is anyone in Kenya who would not pay tribute to His Excellency for this assurance to all those who call themselves Kenyans today.

His Excellency remarked that the government of this country will be carried on by responsible people and that additions would be made from responsible people to this government. I would like the Chief Secretary, when he replies, to give us the interpretation of the word "responsible". Many who have been in this country have often heard, through speeches and communications in the Press, that the word "responsible" is used, usually by some stronger element in this country—I mean the Europeans—to indicate that the responsible people are in a very small number and indeed are most negligible among the ranks of the communities who are non-European. If this is not the right interpretation, I would like the Chief Secretary in his reply to tell us whether a responsible member could be selected from among all Kenyans, irrespective of the race.

The second point which His Excellency mentioned was that further additions would be made from responsible people to the government of this country. This is one matter which has been causing considerable headache in this country from the time that the Lyttelton Constitution was introduced here. The people of all races were associated with the government and were taken into the ranks of the government. At that time, the African community was not given its due share, and this matter was brought to the notice of the Government. At that time, the majority of the Members present (of the African community) in the Government belonged to the Central Area; it was from that area that the *Mau Mau* gave a lot of trouble to this country and everyone had some hate and spite against the community of the Central Area. Therefore their due share was not given to them. This matter was brought to the notice of the Government, but the

Africans themselves accepted the Lyttelton Plan and they commenced co-operation. But there is no doubt that the foundation of political agitation was laid at that time. Subsequently, this agitation ended in the imposed constitution of Mr. Lennox-Boyd.

Now this is very clear, that the African community—or at least their elected representatives—have never agreed to the imposed constitution. The Asians, at the same time, were not satisfied with the constitution and it was brought to the notice of the Government that as soon as it was possible a round table conference of all groups should be called, so that all communities should put their cards on the table and talk things over thoroughly so that we should have government acceptable to all. Co-operation and peace and political stability are so badly needed in Kenya that we cannot possibly progress without it and help the economic development of this country. This was the only method by which we could bring about peace in the ranks of all groups.

I still maintain that this is the only solution, and the majority of groups have represented to Government; only one group—the European group—is not in favour of it, because the Lennox-Boyd constitution actually satisfied their requirements and demands, and they do not want any changes in it as long as they can possibly help it. It is up to the Government to draw their attention to the views and opinions of the other groups, and agree to the round table conference.

There is no doubt that the Government will feel that it is a matter of negotiation between the groups themselves. The position of the groups is well known to the Government, and the Government is also a group. I feel that if the Government take the initiative it will be possible that all groups will agree to this round table conference which is, after all, for the good of the country and for the good of us all.

In this connexion, I would like to mention the remarks of the hon. Member for Rift Valley, who told the Asians to come off the fence. I really do not know what he meant by that. We in this country are holding our own and following a line of action which is for the benefit of our community as well as for the good of

(Mr. Hassan) Kenya as a whole. A hand of friendship is extended by us to all groups in this country. If the Member for Rift Valley was to consult his own clique, he would find that it is his group alone who did not accept the hand of friendship. His group was informed that the policy statement was made during their election campaign in which they did not offer co-operation to the other communities. They were asked to withdraw those statements and get the Unofficial Members' Organization going again, which they refused to do.

Now, so far as the African community is concerned, they have their own headaches and their own problems. They are quite independent and so far as we are concerned we are now in a position to tell the groups whether (Africans or Europeans) they are right or whether they are wrong. Beyond that, we have already extended the hand of friendship, we have offered to join with any group who would care to do so. If that is what is called sitting on the fence, then it would be a very desirable and suitable thing for us and other communities.

His Excellency mentioned in his Speech the status of the subjects of His Highness the Sultan. It was very much appreciated by all of us. I wish His Excellency had further said that the subjects of His Highness the Sultan will be given some privileged treatment in the services of the Government at the Coast as well as up-country—because I find the subjects of His Highness the Sultan are very backward in several respects at the Coast.

His Excellency further said that the number of 77,000 detainees had been reduced now to 5,000. It does the greatest credit to those who are working hard to reduce this number as fast as they can, but I would like to point out to the Government that 5,000 is still a very large number. It is costing a colossal amount to this country to maintain them, and as soon as possible the number should be eliminated. The settlement at Hola is an ideal proposition; it is a very fertile soil there, where agriculture can be carried out under irrigation; it would be a suitable place for them to be sent immediately. In this way the cost—which is running up to several thousand a month—will be saved and may be used

for something more important in this country.

His Excellency spoke about the agriculture of the African and the European; unfortunately there was not a word about the Asian. I would like to point out to the Government that unless all communities in this country take a reasonable share in the agriculture of this country we shall never touch the maximum production which is so essential to reduce the cost of production so that this country is always ready to compete in the world markets. Asians have shown that with smaller holdings and with larger holdings they can hold their own and make a success of them, which is quite evident from the fact that the Asian agriculturists are controlling most of the sugar production of this country. They have made a success of the estates where the European farmers had failed.

I would like the Government to give serious attention to our demands which we have made, off and on, for a settlement scheme to be introduced for the Asians and for the appointment of a land board for Arabs and Asians. This latter should be revived so that we could help and assist a very large number of Asians who are now increasing the list of unemployed in this country.

It is a pity that in spite of the fact that we have got wonderful soil and wonderful possibilities we are still importing very large consignments of fruit from all over the world. It does not appeal very much to the large estates and large firms but I believe to the smaller men with a smaller acreage this fruit growing would be a very beneficial occupation. I would like very serious attention to be given by the Minister for Agriculture to the settlement of the Asian so that Asians should also consider that the Minister for Agriculture is their Minister for Agriculture, whereas at the moment they think that the Minister for Agriculture is only a Minister for the Africans and Europeans.

I welcome the announcement that £4,000,000 are going to be spent on the roads; it will be of help and assistance to the country. But, Sir, it appears that we who represent the Coast shall have no say in this matter. All this money is going to be spent on producer areas; however, it is surprising that we at the

[Mr. Hassan]

Coast are not considered to be producers. A fairly large number of people are now engaged in production at the Coast, but what is happening there? They are told, "You cannot market your produce unless you pay for bridge and ferry tolls". This is a service and an expense which makes it uneconomic for them to transport their produce to Mombasa, so that the perishable commodities, like vegetables, fruit and so on, are not being brought into the market of Mombasa where they are so badly needed. It is surprising the vegetables are coming from up-country, 500 miles, travelling by train to us, yet we cannot possibly economically bring our own vegetables into Mombasa.

Government has not given any consideration to the roads in the coastal area. If ever there is a bridge or a ferry it is ditched out to a private company so one cannot move from one end to the other without paying a toll. I hope the Government will give serious consideration, when this £4,000,000 is expended and some more money is raised, to the fact that the Coast should also be treated as a place which has some producers. The rich companies are applying for the concession or permit to put up jetties so that they can send their produce away overseas without being brought to Mombasa: to save the ferry costs. But the small farmers cannot possibly afford to put up jetties of their own. So the Government will have to help and assist us with roads, with free ferries and free bridges, so that we will be in a position to develop that area.

Now the last point is the question of the Civil Service. One Member on the Government benches said that we are attacking the Civil Service from this side. That is absolutely wrong. The Civil Service is a service which is well insulated by the Government and no one has ever attacked the Civil Service. What the people on this side are very anxious to know is the reason why, although the revenue for the last four or five years has been increasing, the expenditure has always increased beyond the country's income. They want to know where this money is being spent. The country wants money for development and it is not available. What this side would like to

see is that the Government should appoint a committee to investigate to see if there is any dead wood, if there are any misfits, if there is any inefficiency; if so, the staff should be done away with and money saved for some more useful services. It is no attack on the good civil servant. It is an attack on some of the misfits—and there may be many. Sir, because we on our side can see that there are quite a number. The Government will never be able to see, therefore we would like to have a committee under an independent chairman who would be able to find these things out and help the Government and the good civil servant to prune and get rid of some of those who are giving them a bad name.

There is a lot of misunderstanding about the attitude of the Asian in this country, and I would like to make it very clear that the Asians developed this country, helped others in every possible way and have made this country their home. They intend to stay there and at the same time we in this Council find we are representing a very powerful group—we are here to safeguard and protect the interests of our people and our future generations.

We shall not tolerate anyone or any particular group dominating this country or the Government, nor would we like to dominate it ourselves. We have no intention of surrendering ourselves or our rights to any group under force of intimidation. We are all friendly with everybody and with all groups and we have no intention to get away from this position.

I would like to point out that if we are taking a particular line of action during this troublesome period we are just doing what is good for our community and for the good of all of us in Kenya.

With these words, Sir, I have great pleasure in supporting.

MAJOR DAY (Aberdare): Mr. Speaker, I rise to pay tribute to the forbearance and dignity of His Excellency the Governor during his speech from the Chair on 4th November. I am sure that many—all—the Members of this House will associate themselves with what I say.

I was very glad, Sir, to hear out of his own mouth what he had in fact

[Major Day]

reiterated in the past, namely that the policy of not only our Government out here but Her Majesty's Government in England is that this country should be governed by responsible people in a responsible way and developed for the benefit of all its peoples no matter what their colour, race or creed. This is a sentiment which has also been expressed by other hon. Members during the debate, and I think it is a matter of gratification that the sentiment should be universal.

If this policy is implemented, Sir, the Government can assuredly rely on the support of all right thinking men and women of all races in this country. That is the obvious conclusion, to my mind.

Firstly, Sir, I would like to say a word about the hon. the last speaker's mention of sitting on the fence. I think I can speak, with defence, for the European Elected Members if I say that we would be only too pleased to stretch the hand of friendship, not only to the Asians but also to the Africans. I would also say that I myself have had a great experience of Indians during my life and having studied the development of this country I am fully conscious, Sir, of the great contribution which the Asians have made to the development of this country. I feel sure that most of us share that feeling.

Now, Sir, regarding Sessional Paper No. 1 of 1958/59, I would like to make a few remarks. Firstly, regarding Government expenditure, this is a matter which has been aired a good deal recently and we welcome indeed the cuts which have been intimated as going to take place. We hope that these will be carried out soon. Nevertheless, Sir, it is apparent, I think, that the way in which we will combat a budget deficit is rather in the development of existing industries and the possible creation of new industries, and not, Sir, uneconomic and, to my mind, discriminatory taxation which can only discourage new capital from entering this country at a time when it is so badly needed and penalize successful and provident members of all races in Kenya.

Now, Sir, I would just like to say some very few words on that part of the Paper which deals with forestry. I welcome the decision to encourage the

(timber export trade. I feel, Sir, that timber is one of our greatest national assets. A big export market does, in fact, exist which is at the moment supplied, I believe, by the Scandinavian countries. I feel that we should make it our best endeavour to secure this market and to continue and develop this natural asset of ours by the planting programmes which I believe are envisaged.

The next point I should like to make is on tourism. I think that the Minister for Tourism deserves our undivided support because I cannot help feeling that here again is a great source of revenue for this country which is so badly needed. Speaking perhaps parochially, for the constituency which I represent, I can think of places like Naivasha, the Kinangops and Thomson's Falls, which have a great potential attraction for tourists. I would just perhaps, Sir, enlarge upon this by asking the House to consider the great possibilities in bird-watching on the Lake Naivasha and the road shortly to be completed; and further, Sir, the fishing. I know that these sound rather small but they are all added attractions. I think they should be encouraged in the Kinangops. What I am leading up to is this. If you are going to attract tourists then I think you should endeavour to satisfy their appetites. I would ask the Ministers concerned if they will consider an amendment to the Liquor Ordinance in so far as it affects the hours of consumption, because I, speaking personally, have on many occasions passed through the main road to Nakuru and wished very much to refresh myself and have found that on Sundays I cannot get a drink before 12 o'clock and not after 2.30, and then I can obtain a drink between six o'clock and nine o'clock. But at nine o'clock all the places are closed. I think that is a point which deserves consideration. I think that this should apply only to bona fide travellers and should be confined to road houses or snack bars.

Another point I would like to deal with very briefly is the question of agriculture. I can see that the Minister is full of confidence, as usual, I feel, Sir, that this is Kenya's main industry and that it should be protected. I think it is protected to the utmost because all else in this country devolves or hinges round this essential industry and if it has no prosperity or help everything else

[Major Day]

Now, Sir, I think that most people in this country realize the grim struggle which is confronting a large number of European farmers today due to low prices, very high overheads, the threat of this minimum agricultural wage, and also an agricultural workers' union. It is most unsettling and in many cases the result is that there is a feeling of uncertainty in the minds of an already harassed farming population. I would ask the Government to be very careful, Sir, about introducing these last two measures at this juncture. I feel sure, and I would also say, Sir, that a considerable number of the high income producing farms—and this also is a factor which bears directly on the feeling in agricultural circles today—have been in most cases developed out of income and have little or no reserves. Now, Sir, such farms are particularly affected by the proposed new tax. In England, Sir, at the present day the tendency is to go in the reverse way, and there is an Appeals Tribunal in England which is not, so far as I know, in existence in this country. I do ask you, Sir, not to kill the goose that lays the golden egg. That has already been said this afternoon. I would ask you instead not to dry up the potential sources of revenue. I would ask the Minister for Agriculture to plead this cause.

I would like to support the Member for the Rift Valley and the hon. Member for Mount Kenya in their remarks on the minimum wages and I will confine myself to that.

So far as local government is concerned, the Minister for Local Government in my opinion deserves our best thanks. I am greatly heartened by the development of local government and the obvious enthusiasm of all races to encourage and accelerate this growth dependent as it is upon adequate finance, and offering, as it does, an opportunity for an apprenticeship for government. It so happens, Sir, that the devolution from central to local government forms the cornerstone of the policy of the Progressive Local Government Party which I have the honour to belong to.

Lastly, Sir, I come to security. I would like very much to support the remarks made by the hon. Member for Mount Kenya in this connection. I believe, Sir,

that the devil is working very hard all over the world and I think he is working very hard in Kenya also, and that there are men whose main aim seems to be directed towards the furtherance of strife and civil unrest. I congratulate the Minister without Portfolio on his firm speech yesterday. It behoves the Government to exercise vigilance to the full. However, the assurances yesterday to my mind will greatly contribute to the public confidence in respect of security, added of course to the fact that we are now certain that we will have a strategic base in the country.

Leaders of all races truly and unselfishly, as has been repeatedly expressed in this House by them, co-operate in this country then I feel that Kenya's material and spiritual future is assured.

Sir, I beg to support.

MRS. SHAW (Nyanza): Mr. Speaker, Sir, I would like to join other hon. Members in congratulating the Mover of this Motion on his very excellent, clear and concise, speech. I, too, with other hon. Members felt very heartened by the communication from the Chair.

When I went home on leave in June there was undoubtedly, or so it seemed to me, a feeling of depression abroad, and I think European confidence in the future of this Colony was at a very low ebb indeed. After four years of being an Elected Member of this House, without home leave, I thought perhaps that I might have lost my sense of proportion. But on arrival in London I found that the London end of the East Africa Office was very worried about the same lack of confidence in the future of this Colony. I am very glad to say that on my return a week ago, and since I have been away, I have sensed quite a different spirit abroad—a new spirit of confidence in the future. It is an indefinable something and perhaps it has come about as a result of the Royal Show which I hear was bigger and better than ever this year and which I think was a brave effort in spite of the difficulties facing the farming community in Kenya today.

Again, Sir, I wondered if I were wrong, but when His Excellency made the Communication to this House I felt that spirit, a spirit of fresh strength and

[Mrs. Shaw]

confidence was an underlying force behind this Speech. It is a Speech that will do much to restore confidence because while reviewing the credit side, His Excellency referred to the debits in a most frank and forthright manner. The confidence will be restored, too, by the realization that our Governor is fully aware of the difficulties and even of the dangers inherent in the present situation and is prepared to act, for, in the Communication His Excellency said, and here I quote, with your permission, Sir: "I follow, that from what I have said, the Government must retain stringent powers to maintain law and order and to keep the peace". The Governor stated that recovery depended largely on our ability to keep down crime as well as the complete destruction of the K.K.M., and in this connexion I do suggest, Mr. Speaker, that perhaps restriction on movement is being relaxed rather too fast. In support of this it has been proved that some pockets of the K.K.M. recently uncovered in Nyanza have resulted from the visits of a Kikuyu from the Central Province who came to visit farms and other portions of Nyanza with a district commissioner's pass to visit farms, etc., and so to indoctrinate their brethren who had not been living in the Kikuyu reserve for many years.

Mr. Speaker, I do not want the Minister for African Affairs to take this in any way as a criticism of himself or his administrative officers who have done a most wonderful job in rehabilitation, but merely as a warning against too much haste.

While on the subject of security, Mr. Speaker, may I make a special plea for the early introduction of the recommendations of the select committee report asking for some form of registration of domestic servants. This report was tabled in the House in July, 1956, and although I know it has not been forgotten and I also know that the Government has done a great deal of work on this matter, yet it is true to say that we have not yet seen any results. I would stress once again that this is a non-racial measure designed for the security of all races in this Colony; a measure, the necessity for which is pinpointed, thank God, not daily, but very frequently by murder, robbery with violence, and

crimes of that sort, which we read about in the Press, with the caption below: "A house servant has been held for questioning". At this juncture, Mr. Speaker, I will not say any more on this vital matter.

One hon. Member mentioned Prisons, and I would like to ask the Minister for Defence if detainees receive after-care from any prisoners' aid society or anything such as that, because since my return to this Colony I have heard of a case where a young friend of mine was driving his car near Kiambu and he picked up an African who was obviously very distressed physically, an elderly Kikuyu and he asked him if he could assist him or do anything for him. This man has been released from a detention camp after five years with no money and no place to go. He was in distress, physical distress, because he had walked the whole way down to Kiambu, and this young man was rather worried as he felt that if that happened it might well be fodder for the K.K.M.

Referring to the Governor's Speech, with your permission, Mr. Speaker, I would like to quote what His Excellency had to say about child welfare. He said: "The Government is glad to pay a tribute to the valuable work being performed by various welfare societies. However, much remains to be done. It is hoped that the local authorities will accept the greater responsibility for all aspects of social welfare. In particular they have been encouraged to set up organizations for the care and protection of children under the provisions of the Prevention of Cruelty and the Neglect of Children Ordinance". His Excellency paid a well-deserved tribute to these welfare societies, which I echo, and he said that it was hoped that the local government would accept their responsibilities.

I contend, Mr. Speaker, that in most cases local government bodies, under the guidance of one of our most conscientious Ministers, are doing so. But I know that the Child Welfare Society has been disturbed lately in cases where there was expected a Government contribution of 45 per cent of the grant, it has not been forthcoming and many local government bodies have shown reluctance to pay their portion. This reluctance of the Treasury to produce the money is holding up urgent work and makes it

(Mrs. Shaw)

impossible for the society to expand these much-needed services which are vital if the Children's Ordinance is to be effective.

Following the well known pattern, after asking Government to spend more money I then turn and urge economy. In this year's Budget Debate I said that I had never known such a drive for economy as has been evident in the Nyanza Provincial organization. It certainly looks as if the Organization and Methods team seconded by Her Majesty's Treasury has done its work very thoroughly. But I would join one hon. Member in pleading that curtailment of services does not fall on services which are essential for the well being of all people in this Colony. Essential services must not be allowed to suffer. By that I mean the services essential for the security and well being of every race. For instance, it would be crass stupidity in my opinion to curtail our police force, our field intelligence services, at this present time, or, indeed, to clamp down on the closer administration which we in this Council, I would remind hon. Members, asked for only a short time ago; for I believe that closer administration, certainly in areas such as Nyanza and Central Province is one of the greatest bulwarks against further troubles.

As we on this side of the Council are always being accused of not being constructive I should like to put forward, Mr. Speaker, a suggestion for economy—a very simple economy which would cost very little to introduce and that is, Mr. Speaker, the limitation of speeches in this House. This would certainly effect a saving of many thousands of pounds annually and it would also save the loss of much valuable time as well as many tempers. I suggest, Mr. Speaker, that the proposer of a Motion should be allowed half an hour, the seconder 20 minutes, and every other speaker should be confined to 15 minutes. As an example, Mr. Speaker, this debate has been noteworthy for its clarity; all speeches, with the exception of one, possibly two, have been of considerable brevity, a very commendable brevity. The exception was yesterday's marathon, and it reminded me of a rather nice little story. After an interminable speech a speaker said,

"Finally, in conclusion, ladies and gentlemen, I want land reform, I want housing reform, I want educational reform." A voice, a rather bored voice, cried out, "You want chloroform".

In my opinion, public speakers should stand up so that they can be seen, speak up so that they can be heard and shut up so that they can be enjoyed. However in spite of that, Mr. Speaker, I am going to claim the indulgence of the Council for a very short space of a couple of extra minutes. In any case I do not think that I have yet exceeded my 15 minutes.

I want to comment on three parts of paragraph 2 of the Communication. The first is where, and here I quote, His Excellency said, "I believe that there is a great opportunity here for people of all races to work together and to build up in co-operation a fine country in which all who have made their home here can live in security and prosperity". That, Sir, is the hope of every right-minded citizen of Kenya.

After referring to the fact that for the foreseeable future the ultimate responsibility for the Government of this Colony must lie with the Secretary of State, His Excellency continued, and here again I quote, "At the same time I am sure that it is right to associate people of the country of all races with its Government. The Government of Kenya must be in the hands of responsible people". This, Sir, brings me to my second point. The Government of Kenya must be in the hands of responsible people—responsible is the operative word; and it is comforting to see today, looking round this Chamber, so much evidence of responsibility. Government by agreement, and having our own Ministers within the Government, means that all communities have to move over from a policy of opposition to one of co-operation.

This, Mr. Speaker, pinpoints, I believe, one of the main duties of the Unofficial Members of this Council, of all races, and that is to educate our constituents and to make them realize that the opposition mentality is an outworn weapon and that today our greatest strength lies with our representatives of the Government benches. The Opposition today can achieve more by co-operation than by

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Boston Tea Party tactics. This is not weakness, Mr. Speaker, but strength, and a change in the situation, in the world situation, which vitally affects Kenya has necessitated a change in our political tactics. So I would appeal to all communities to realize their responsibilities and in particular, to my own community on whom up to date, the mantle of leadership has fallen. It is true that the present Constitution allows for the Government to carry on the administration of this Colony and we have this assurance, His Excellency's assurance, that, if necessary they will.

I could not agree, I am afraid with the view expressed in a maiden speech yesterday that the political stability in this Colony is the sole responsibility of the Government. I believe that political stability is the direct responsibility of every citizen of all races of this Colony; and in the difficult times which lie ahead, Mr. Speaker, we must all see to it that we act in a calm and responsible manner so that Government will have our loyal support.

If we do this, and if Government stands by His Excellency's declared intention, we shall ride this storm as we have ridden the *Mau Mau* rebellion, and we shall breast successive waves of unrest, be it political or economic depressions, and without any doubt, we shall, altogether, working in unity for the good of Kenya, bring her into a safe harbour.

With these few remarks, Mr. Speaker, I beg to support.

COMMANDER GOORD (Nominated Member): Mr. Speaker, Sir, I cannot refrain from saying how much I enjoyed the speech of the hon. and gracious lady who has just sat down. I would also like, from this side of the House, to congratulate the hon. gallant and very much battled Member for Nairobi North on a very polished maiden speech. It was very refreshing too, to note that he had not come here to talk! Nevertheless, I am sure hon. Members here he will not stick to closely to that resolution.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

Turning now to the matter in hand, Sir, I cannot agree with the Member for Rift Valley that His Excellency could have said what he had to say any more clearly than he did. It was, I feel, a most heartening statement, a statement which I believe reflects the vigour and energy of our Government. Now I say that very sincerely, and not merely to quell any ministerial wrath at any gentle criticism which may follow!

His Excellency dwelt at some length on the matter of security. I would like to turn, Sir, to the question of security, not today, but of security tomorrow. The state of Kenya in the future depends very largely on the environment and upbringing of children who are now in our schools; and we are faced with a very great problem inasmuch as many African children are obliged to leave school at a very early age. And in passing, it is my personal observation that African children are often sent to school at a very much earlier age than perhaps they should be in order to get the full benefit from their education.

In view of this unfortunate gap which exists between the time when the majority of children leave school and the time when they obtain employment, it is very encouraging to note that Government intends to give higher priority to secondary education. But I feel, Sir, that an even more practical approach is that which is mentioned in paragraph 139 of the Sessional Paper; and that is, the establishment of youth clubs. That policy, I believe, Sir, is established only in a limited number of districts, and I do feel that it would be of the very greatest value if we can possibly extend that work to the settled areas and other African areas. We have, perhaps, in the past tended to concentrate on community development for women. I feel that now perhaps the accent might be turned to the children.

The other very important environmental factor in the upbringing of children is, of course, housing. Since I have been a Member of this House, I have had a number of conversations with African Members, and other Africans, who have convinced me—thoroughly convinced me—that the greater part of juvenile delinquency and subsequent crime is due to the inadequacy of housing conditions.

[Commander Goord]

Now, Sir, in the light of the situation a year or two ago, I cannot but feel that Government's progress—progress made by the present Minister and by his predecessor—is most encouraging. The policy is enterprising and it is realistic. Urban housing, of course, is the most vital factor, but in passing, I might mention that rural housing—and I include housing on farms—is making extremely good progress. Some local authorities have been able to introduce rules for guidance to encourage people to build better houses on farms. And with the aid of their health staffs, they are achieving a great deal in this direction.

Sir, I hung these points on the question of security for the future, but it is, of course, really a human problem and it is in that light which we should really approach it. What the children are, so our future will be.

Turning now, Sir, to local government—a very dull section in the Sessional Paper, if I may say so—but nevertheless one which does, in between the lines, contain a great deal of meat. It forecasts some extremely important legislation. But I do regret that in the Speech, there was not a clear exposition of Government's policy on local government. Hon. Members know, and I know, that it is in fact Government's policy to encourage local government to accept responsibility in all legitimate spheres. Obviously as it is, I feel it might have been helpful to have said so. Local authorities often have the feeling—and it is quite a wrong feeling, but it nevertheless exists—that they are "battling" with Government. We all have to do whatever we can to kill that feeling. But it is a fact that business between local government authorities and the Government is apt to be extremely protracted. This is partly the fault of the local authorities who have a certain tendency to slog "dead horses"—but I am afraid that it is also partly inherent in the machinery of Government, and I can see no real answer to it. I have one suggestion to make, and that is, that possibly senior civil servants, heads of departments, might achieve more and spend things up by a more full use of personal discussions rather than the eternal ping-pong of correspondence.

I would like, Sir, to welcome the proposals to give local authorities power to levy a poll rate for certain specific and approved educational and social projects. Naturally, such a poll rate would not be levied without the consent of the majority of people concerned, but I can assure hon. Members that the African population at least is only too eager to help itself in this particular way, and in one instance that I know, they are already chafing at the delay which has already been incurred.

I am less happy, Sir, about the proposal that local authorities should invest money in the Local Loans Board. It is a very estimable idea, but it does seem to me that a local authority having money to spare is much more likely to wish to invest it in the capitalization of its own projects. What councils are extremely desirous of doing, is obtaining the approval of Government to a scheme whereby an authority which is in the black with its bank may lend on very short-terms to an authority which has gone temporarily in the red. This is a practice which is used in the United Kingdom, and over the years, it could save local authorities a very great amount in bank interest charges because of course they would borrow at nominal interest rates. I do commend this proposal to the Government.

It is proposed that a number of functions, particularly of a social nature, should be transferred to local authorities, and to county councils in particular. As has been pointed out, the attitude and decision of councils, although very sympathetic, will in the end depend upon the amount of financial aid that can be given. There are two functions in particular upon which I should like to dwell. The first is that of community development. County councils are very eager to take over the whole of this service which is at the present divided in many districts between the local authority and Central Government. There is notably in the women's work a duality of control which is awkward, to say the least. During the last session, with colleagues on this side of the House, I was able to visit the Ministry of Community Development, and I think I may say that we were all extremely impressed with the work, and with the importance of the work, that was being carried on

[Commander Goord]

by that Ministry. But I think it is also true to say that it was our impression that the field-work could better be channelled through local authorities. County councils are willing to take over this particular function providing they can get the funds which are running it at the moment; which does not seem to be unreasonable.

Another important function which Government has offered to county councils is that of the management and ownership of urban water supplies. The councils feel, however, that the question of urban water supplies must be linked with the question of all other water supplies, which are at present maintained, or in some way kept up by the Ministry of Works, because as other speakers have pointed out, it is practically impossible today for councils to take over any service which may cost money unless they can see a corresponding reduction on the Central Government side.

Town planning received a very small mention in the Sessional Paper, but I should particularly like to mention that some of us were able to visit the Town Planning Department this morning, and we were most impressed with the volume and importance of the work which is being turned out by this very small Department of Government. I should like to assure Members that here at least, Parkinson's law is not in operation.

During the year, Sir, there have been some setbacks in local government, which we must face. In my opinion, these setbacks have been due in most cases to the inadequacy of staff; I do not say the inefficiency of staff; I say the inadequacy of staff. And in this respect, it is very pleasing to note that Government propose to continue the policy of seconding qualified financial advisors to African district councils. But for every failure, there are many successful local government councils, and I think it has been shown that multi-racial councils can work well.

In recent weeks, Sir, it has occurred to me that perhaps there is a lesson here for this House, and I have wondered as to whether we might not obtain greater harmony and singleness of purpose if our procedure were not more like that of a local government authority. By that, I

mean if the House were not divided into the sheep and the goats. This suggestion, Sir, is not original, and I put it forward with the greatest of diffidence. But it does seem that there is a possibility that we have in this Colony been a little premature in the adoption of the English parliamentary form based on the two party system of Government and Opposition parties. There is, after all, little similarity of political background either factually or constitutionally. The Opposition here is not an alternative Government. Our Government is irremovable—I nearly said irreplaceable! But, Sir, it does seem a little illogical that the great majority of the elected representatives of the people should be placed officially and psychologically in Opposition to the Queen's Government. Sir, this is no place to argue or discuss this point now, but I do commend to Members who have not already read the debates of the Commonwealth Parliamentary Association in New Delhi last year on this particular subject of parliamentary procedure. They are extremely pertinent to our case. And I will only mention that the system referred to did work well in Ceylon, on the authority of the Prime Minister of Ceylon himself, and he was very strongly supported by the representative of the House of the Keys in the Isle of Man! The possible effect of such a change might, I feel, produce a feeling of greater solidarity, of greater association of the whole Council, and particularly the Elected Members, with the Administration itself; and so, of the peoples of the Colony with the Government.

To end on a lighter note, Sir, it would also perhaps be of an advantage to Nominated Members in that they might get a free vote!

With that, Sir, I beg to support.

MR. MUCURA (Specially Elected): Mr. Deputy Speaker, Sir, while joining other hon. Members in giving their views about the speech by His Excellency, I have a few remarks or comments to make on certain aspects of the speech and the policy statement issued by the Government.

I will start off by saying something about the public service. The Paper, the policy statement, says that Government

[Mr. Muchura] has accepted a policy of non-racial service, and stops at that, but it does not go far enough to say how far it has gone since it accepted that policy about three years ago.

Now, the other thing that I would like to comment upon in this public service is the localization of appointments of local people for our public services. Now, there is no indication in that policy statement as to how the Government is going to try to achieve that. In other words, probably I did not see it myself, but I just did not see any statement as to how the Government is proposing to achieve this idea of getting local people into our public services here. For instance, there have been one, two or three circulars, last year and before, for the Government wanting to create what they call training grades as was recommended by Lidbury, and also training schemes within certain departments which must have them in order to equip themselves with the staff they need. Then at the same time, it does not tell us roughly how far these schemes have worked, and what are the prospects of their success or failure; and whether these schemes are going to produce the sort of man we want for our public services. The Paper talks about uniformity—by that, I think they mean Kenya, Uganda and Tanganyika; the word uniformity is mine, but it is said that the Kenya civil servant should not be worse off than his colleague in Uganda or Tanganyika. Therefore, I use the word uniformity to mean the uniformity in the three East African territories. I do not think that that is strictly correct to my way of thinking, Sir, because the instance, very recently, there was a statement made by the Governor of Tanganyika on what that Government's policy was likely to be. In that statement, he implied that they were going to go all out to get district officers, district commissioners, and various other people appointed into Government service from those local people with the experience and the knowledge to do so. They were deliberately going all out to do this.

The same thing has been announced by the Uganda Government in Uganda. That has not come out in the policy statement issued by the Government.

Now, also I think Government is morally bound, and under a moral obligation, to take effective steps to ensure that the service is non-racial, both in theory and in fact. Of course, one point is that the standard of the service must under no circumstances be lowered. But the drive to try to localize the service and get all the possible men and women you can into the service with the necessary qualifications should be done as soon as possible. Then, of course, the question of overseas leave and various other things may be a little bit different.

Now, on the question of training in Uganda I understand that they have trainee grades for legal assistants in the Attorney-General's Chambers. Apparently here this may not be, because we have not got the number of lawyers here that they have in Uganda, but I think at least some are coming back; for the last two years, there have been two every year, and from there on, I think there may be more and more coming. The medical students are provided for; they can do their internship at the King George VI Hospital. But in this particular respect, the Government will have to consider accepting this instead of putting the whole lot of them in the Registrar-General's Department.

Talking of non-racial service, I am sure the Government is fully aware and would probably admit that the policy has been accepted, but they do not say what has been achieved. I know for one thing that they will say that it was not very easy for the Government to change overnight a service that has been in existence for 30 or 40 years with three different terms of services into one. Then again, the question of machinery, not necessarily of staff negotiations generally, but when it comes to the question of material individuality we have a bit of a complaint. There is hardly anything in existence. I know—I have been told—that there is a procedure whereby if a certain officer of the Government gets into trouble, he writes to the head of his department; the head of his department writes to Establishments; Establishments write to the Chief Secretary, and the Chief Secretary writes to somebody else. Then there are provisions too that an enquiry could be held, and even legal men brought in. But whether that has actually worked, and worked successfully, I have doubts. My

[Mr. Muchura] information is that this has not been working very satisfactorily.

Turning now to the question of housing, as it was: the policy in the Government Paper states that the staff side of the Central Whitley Council could not reach agreement, and therefore, they were ready to prepare another paper to be submitted to Government for consideration on the question of the allocation of housing. This, I understand, has been overcome, but then again, one point arises. The Government has been recently trying to make the three civil servants' associations merge into two, three or four associations, but not this vertical racial association.

It is not so often that they reach disagreement on the staff side, but it shows that there must be some time lapse before such a thing could be done. And that time lapse may be the question of Government being satisfied, and the people being satisfied that the service is fully non-racial when the problems will be more or less identical.

Now, it may be of interest to this House to know what progress has been made, the numbers and so forth of people in various training grades and training schemes that were proposed by the Government last year. Coming again to matters on labour there are several paragraphs on the question of labour, but to my mind, there is no definite statement of policy as to how the Government is going to face unemployment, which at present may be mixed up with the recession; plus the released detainees. But it is going to be a type of unemployment that has never been in existence in Kenya as it is now. The reasons are that as soon as the land is consolidated—I know I may have 20 acres, and someone tells me: "Yes, you can employ two or three", but while I am employing about two or three, there are about ten out. Yes, local industries; how many can they employ? Just a few. Therefore, it is necessary that the Government should take note of the fact that they should have a policy to deal with this unemployment situation amongst the Africans. The time is coming fast when we will not be able to say: "I am going back to my *shamba*", because we will have no *shamba*. Therefore, something else will have to be pro-

vided. Then again, you have the question of social security which must be borne in mind.

Turning now to the question of minimum wages, conditions of employment: I think in view of the change of situation in Kenya, the Government had better scrap the Carpenter formula for working out the minimum wage because so many changes have taken place since. A new formula (with all the staff and experience they have in the Statistical Department), should be produced which is very much more in keeping with the present trends and realities of the conditions that confront the workers in towns and in rural areas.

The idea of the minimum wage, as I understand it, was to protect the good employer and employee, because if there was a minimum wage, the good employer would be more careful about who he takes on, and he will take on the man who can do the work. And the poor worker would probably never find any work at all until he pulled up his socks. So I suggest to and agree with the Government here that the rural areas should have attention paid to them with regard to their wages.

Now, to turn to the field of education, it has been said here that we in Kenya are not going to have the Higher School Certificate for Africans as yet for reasons given probably in the reports of the Higher Education Commission that was out here. But we feel that although that is true, Kenya has always taken the lead in the number of admissions into Makerere and we should at least have tried to get four schools for a start, and then build on, add on the numbers, as and when it is possible. To leave it entirely until in the end you can say: "Now we have got enough money to get enough teachers", will leave us too much behind others and will not get anywhere in the race.

Before I leave the question of education, I would like to touch on the question of adult literacy. This is something that is almost left out; I might have skipped it myself, but probably it has been left out. I do not see anything about it. This has been going on for two years; and after two years, which I think is the time that was given for the money that was provided for it by the American

[Mr. Muchura] Government and this Government, we should have had a report as to how this has succeeded or failed: what progress has been made, and what are the prospects of having this thing either continued or discontinued.

It is vital that we should know something about this before and during this policy debate because this is the end of the second year of the experiment, or the trial period, and therefore I would have expected a report on this particular one, Sir.

I must also join some other Members in saying that a certain amount of good work has been done in the Central Province by various officers, and in various other places by other officers. I have visited various places during the last year or two and have seen what has been done in the field of agriculture, especially in Karatina and some of the other districts. While at the same time Government demands that it will be vigilant and look out for all the possible signs and shades of K.K.M.F. showing its ugly head, I would commend to them that they should not only look for the head but try to find what causes it and what fields are being explored and exploited by these various people with this idea in their minds. If we can remove the causes you have got a much better chance of curing the disease, rather than trying to treat the symptoms.

It is also true that most people, the loyal ones, are very happy that some few can now move between Thika and Nairobi and Kiambu and around Nairobi District to do business and go back home. That is a great relief to those who are on the right side of the law and who want to get about their general day to day business or for various reasons.

There is a mention—I think it is in the Minister for African Affairs' section—that there is no demand for land that has been developed in the Lambwe Valley and Shimba Hills. I am not going to say there is or is not demand; I would be interested to know why there is no demand. He must say why this is so. I know lots of people moved, from Central to South Nyanza and even Musoma but why not to Lambwe Valley. Why not Shimba Hills? There are thousands of

Wakamba at Mariakani: why have these people refused, or are not keen, to go to these places? What is it? Is it the conditions?

Now on the question of security, this I would only say. It is difficult, but the problem that one cannot understand is that walking down River Road or Racecourse Road or other roads on the fringes of the trading centres, one sees perhaps up to eight groups at various points with gamblers sitting in the streets. What I cannot understand is how is it that nobody from the police can see this in these districts? I know they are very intelligent men and have guards posted in every direction, but that happens. These people have no other means of living than by gambling and robbery. Could anything be done to try to rid the streets of Nairobi of these gamblers? I think the forces of law and order should try to clear the streets of Nairobi, and I hope there will be fewer robberies.

I must also state here now, and especially too as a Specially Elected Member, that *dawa ya moto ni moto* does not help anyone. Some of us have congratulated the Governor on the speech and the assurance of the high stability of the Government and the constitution as it is. But that constitution has the implications of trying to bring about all people in Kenya to live together and work together and create a nation of Kenyans. Now I have heard it said in this House, and I must agree, that two wrongs do not make a right. If I am responsible, and probably more responsible than my neighbour, if I go out and misbehave or behave in an irresponsible manner as he has done, none of us responsible? That is my opinion. If you have a Kenya nation you must allow for certain things to happen. We expect to see Africans, Asians and Europeans in the Council of Ministers. That must be expected. If that is not to be expected I cannot see how we are to have a nation of Kenyans. Now the question of responsible people has cropped up. A responsible person is that person who studies and looks at an object objectively and absolutely tries to find a better solution. That is no qualification of any one particular group. Therefore what I would say, Mr. Deputy Speaker, is that we in this House should, as far as possible, try not to fall to the failures of

[Mr. Muchura] or our less fortunate friends, or try and make a song of what we know is bad, instead of helping.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

Therefore, as one of the Members, I think, said this afternoon, by implication of admitting that there will ever be a mixture, it implies that the constitution, according to him, is not going to work. That I think is the view of the Africans. Therefore, Mr. Speaker, Sir, I have to request that if Members of this Council want to prove that they are responsible, they should not fall into the trap of sitting back in the same place.

With those remarks, Sir, I beg to support.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Casack): Mr. Speaker, I think the House has already expressed very clearly its assent and agreement to the policies and proposals which were contained in His Excellency's address, and I do not myself therefore intend to deal with them, but intend rather to deal with some specific points which have emerged from the debate.

The hon. and gracious Member for Nyanza asked whether the Discharged Prisoners' Aid Association was in any way connected with former detainees. Sir, the Association is not a department of Government; it gets a grant from Government and its President, unless I am mistaken, sits on the Benches opposite me in the shape of the hon. and Specially Elected Member, Mr. Slade—I beg his pardon, if I am mistaken, and Mr. Slade cannot give the hon. lady the information she requires. The fact is that the Association does not deal with detainees. It has limited funds and is extremely strained to carry out the mandate which it has, which is that of dealing with ex-convicts.

The hon. and gallant Member for Mount Kenya spoke particularly of crimes of violence, and the hon. and gallant Member for Rift Valley advocated the penalty of whipping for such crimes. The hon. Member for Rift Valley should know that whipping is of

course an alternative punishment for almost all crimes of violence which the Penal Code provides penalties for. It is an alternative penalty for robbery with violence, and for the offence of assault causing bodily harm, and for other crimes including sexual crimes. I think my hon. friend the Minister for Legal Affairs will give the hon. Member more information about this when he speaks.

The hon. Member for Mount Kenya in referring in general to crime and crimes of violence said that it did not seem in fact to the public that there had been any improvement. There has in fact been an improvement: one of the troubles, of course, is that some sensational crime of violence takes place, it is headlined in the newspaper, and the impression created by that lingers in the public mind, and the successes of the police and the actual figures of crime do not so linger. I dislike boring the House with statistics but this is rather important, and these are some relevant figures. Now it is a fact that in every month of this year so far, with the exception of the month of June, the actual number of reported crimes in the Colony has decreased. That is to say, between 1957 and 1958, for every month the comparison is favourable except for June. Similarly, to take a comparison over the last couple of months of the kind of offences that disturb us most at present, the figure for August was total 95, the figure for September was total 60. Now, again, the bulk of these crimes of violence occur in Nairobi. I think we should do well to bear in mind that Nairobi is a big city; it has very nearly a quarter of a million inhabitants, and I think many of us, particularly those who have been here for rather a long time, like myself, are rather inclined to make comparisons of what happens now in a place like Nairobi, and what happened when we knew it a quarter of a century ago. We forget how completely conditions have changed. It is, I am told, unwise to walk through Hyde Park after dusk, and similarly it is unwise to enter the long grass at the Nairobi dam.

Now, Sir, the Nairobi figures for August, September and October were in August—62 offences of robbery and similar offences, in September there were 39, and in October—to the 28th of the month—there were 42. I claim no

[The Minister for Internal Security and Defence]
 magic about this: the clear indication is that the police procedures and the police activities to counter this crime have been throughout this year to an extent more successful than they were last year. We have done better.

With your permission I would like to read some relevant extracts from this report:

"With regard to the Nairobi area, the number of robberies and allied offences reported during the month of September is the lowest recorded for several months." In referring to the Southern Province: "The number of penal code cases reported during September is the lowest on record for this Province." Rift Valley Province: "A further decrease in crime during the month, and on the whole the situation is satisfactory." Coast Province: "Crime reported during September is the lowest reported for the year."

So this crime business, as I say, is apt to get out of proportion, because people remember only what they see in the newspapers and have not, very naturally of course, got access to some of the facts which I have described.

Now, Sir, the same hon. and gallant Member also asked for some figures about what had been done with K.K.M.F. people: Sir, the total number of K.K.M.F. convicted is 473. The total number detained under Governor's detention orders is 289. These are figures as at 7th October. The number of committees or cells known to have been broken up by Government action is 349.

The hon. Member asked me specifically if I would give him also figures of the number of detainees and ex-detainees who have also either been convicted or detained for K.K.M.F. I apologize to him, Sir. I endeavoured to obtain the figures but suffered from the disability which another Member in another Parliament described when he said, "I am not a bird, I cannot be in two places at once," and that was my difficulty, Sir. I had to be here at this debate and was unable to get properly the figures which I wanted to give the hon. Members which I know exist. I would be grateful if he would agree to putting down a question, and I will give them to him.

GROUP CAPTAIN BRIGGS: I will do that.

MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Thank you.

The other matters which the hon. Member for Mt. Kenya asked about will, as I understand, be dealt with by the Chief Secretary.

Sir, I come now to rather a different line of country which the hon. Member for Mombasa spoke about yesterday and that is when he urged there should be some degree of penal reform. In considering this and thinking about it, I agree the hon. Member will perhaps agree with me that we require to distinguish between penal processes in prisons and penal processes which are produced by the law.

In so far as prisons and detention camps are concerned there has, I think I can truthfully say, been a great and considerable advance over the last few years and this advance in penal conditions in prisons deserves, I think, all the more credit because it has been carried out during the considerable stress of an emergency, when the Prisons Department was intolerably strained by the great number of people that were in its custody. The kind of thing which I have in mind as being an improved penal condition in a prison or detention camp is the greatly improved methods of segregation in which we now keep offenders of different classes and different ages, old lags, young offenders, people under a certain age and so forth—we keep them in quite separate establishments. I think the hon. Member would be most impressed if he visited, as I would certainly like him to do, the workshops at the new Kamiti prison where he would see what really are quite surprising reformatory processes going on before his eyes; people doing quite skilled jobs, in fact very skilled jobs which I hope they will be able to continue to do after they have been released from prison. I spoke of this having been done despite the Emergency. It has certainly hindered it and I would not like the hon. Member to think that although prisons are now over the peak in this sense, that is over the peak in the great number of people they have to look after, that they are really in the clear to get ahead with the kind of true prison stuff which they should be doing.

[The Minister for Internal Security and Defence]

One of our difficulties at the moment is that having switched to some extent from a security which depended on wire covered with fire we are back for the most part in the properly built stone prisons, the permanent establishments, where the security needs are those of a complicated routine, a most complicated routine. You must know where every key is for every minute of the day. You must check the gang in, you must check it out. You must check the stores, you must check what they issue, you must check what they bring back, and that is true prisons routine and management, which the Prisons Officers, most of whom were recruited during the Emergency are not yet sufficiently well trained in many cases. That, at the moment is our main concentration of effort, really producing the good skilled professional warder, both European and African, so whilst we concentrate on that we have not got on quite as much as we would like to get on with some of the other things.

The hon. Member, I think, was possibly referring less to the kind of thing I have been speaking about now than what I distinguish as the penal processes of the law. He knows, everybody knows, that prisons have no option about what they receive. What they receive is the eventual output from the courts. When the hon. Member quoted my statistics at me and said that 82 per cent of people in prison were sentenced to under six months' imprisonment and made the same point that I did that, of course, there was no way, no time to train or reform people who were in for such a short time, he asked me, in effect, had I done anything about this. What I had done was, having given that statistic, and with the thought in my own mind being, of course, if 82 per cent of all convicts are in for a time of less than six months the right answer would have been probably, to my mind, for a great number to have been fined instead of being sent to prison at all. Then I find on further investigation that almost the whole of the 82 per cent are in prison in default of the payment of a fine.

Now the hon. Member spoke about what we refer to as Cap. 80 camps. These are detention camps established under

Chapter 80 of the Laws of Kenya. He suggested that there should perhaps be some type of extra-mural imprisonment. Well Sir, I personally regard these camps under Chapter 80 of the Laws of Kenya as being very similar indeed to any ideas which we have about extra-mural punishment. Extra-mural imprisonment means that a man is released in the evening to go to his own home and over a period—whatever his sentence is—he is supposed to turn up every morning and work for the Prison authorities. That is not for my mind practicable in a place like Nairobi. It is not practicable in a place like Mombasa where a chap may never come back. When you get to the country districts it is practicable if the chap lives near enough to the prison for him to report to work. If he lives any distance away it becomes impracticable. I regard the Chapter 80 detention camps the purposes of them, as these: to allow tax defaulters and petty offenders, to perform public works, generally for a district commissioner, in lieu of a fine which they lack the means to pay, or the imprisonment which they do not deserve.

In fact the great bulk of the detainees in these camps are precisely in that category of person. Of a total throughout the year in 1957, a total number of offenders of 49,000-odd, over 17,000 in Chapter 80 detention camps were offenders against the African Poll Tax Ordinance and 4,000-odd were offenders against the Native Liquor Ordinance, 4,000-odd were offenders against the Native Authority Ordinance, and the other offences are, by and large, of a trivial kind, and the main bulk of the offences are as I have described, or are petty offences against African Pass Laws or the Diseases of Animals Ordinance, and things of that kind.

During the Emergency, because it was found by some ingenious *Mau Mau*, rather on the G. K. Chesterton analogy, that the closer you were under the eye of the Government the less likely you were to be seen, they got themselves sentenced to terms in these Cap. 80 detention camps. They lay low and undetected for the period of their sentences. When we, as of course we did, discovered this we greatly tightened the security precautions on those camps. As most members know they are guarded by prison warders and are to some extent

[The Minister for Internal Security and Defence]

like smaller prisons. I have concluded this has now become quite unnecessary, and, reverting again to the extra-mural mention which the hon. Member made, I intend in the case of most of these camps, particularly in view of the kind of offences which I have described are committed by the people in them that they will revert to the old fashioned system with which hon. Members are familiar, in which, these people really work under a *neopara*; and the camp is a place where they receive shelter and rations. That really to my mind is very like extra-mural imprisonment, and certainly a great deal less expensive than our present system and I think probably more satisfactory than the extra-mural proposals which have objections which I have mentioned.

Mr. Speaker, Sir, I believe that I have in fact covered what points hon. Members have raised so far in the debate in so far as they affect my Ministry. I beg to support.

MR. JAMIDAR (Central Elected Area): Mr. Speaker, Sir, for me this has been the very first opening of a new session I have attended, and it has been my great privilege for the first time to listen to a speech delivered by His Excellency in this House. It is therefore, Mr. Speaker, Sir, with very great reluctance and hesitation that I rise and find myself unable to support this Motion before the House. I must therefore proceed to oppose this Motion with as much deference as is possible to His Excellency.

Mr. Speaker, Sir, it is only about a few weeks ago that I made my maiden speech and after having heard His Excellency's speech and after having read the Policy Statement of the Government and having heard many speeches on the Government side and several on this side of the House, I feel, Sir, that the time may not be far off now when the Indian Members might be called upon to implement the resolution that the Kenya Indian Congress passed at the last session at Mombasa in the month of April, with the result that soon after having made my maiden speech—very soon, in just about a couple of months' time—I, along with my several other colleagues on this side of the House, will perhaps be called upon to sing my final swan song.

Mr. Speaker, Sir, this constitution which has been imposed upon the country has been rejected by the African community; it has been rejected by the Indian community; it has been disliked by the Muslim community; and even the Arabs have expressed their dissatisfaction with it in as much as during the last debate here on the demand for a conference on the constitution, the Arabs also supported that demand. We might now be able to say that practically all the non-European are united in their rejection of this constitution and their demand for the early appointment of this conference on the constitution.

Mr. Speaker, Sir, I was very disappointed last time when I saw in this House that this very reasonable Motion asking for the appointment of a constitution conference was rejected by the Government—it was defeated by the Government—and then I was very surprised yesterday after references were made, particularly by the European Minister without Portfolio, to the need for negotiations on all sides of this House, and he stated very contemptuously and very derisively that there is a special Asiatic meaning attached to this word "negotiation".

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): I was merely interpreting the remarks of your hon. colleague who sits next door to you.

MR. JAMIDAR: Yes, Sir, he was interpreting the remarks of my hon. colleague, but the tones of intense contempt and derision in the pronunciation of the word "Asiatic"—were very apparent. In this country, Mr. Speaker, Sir, the usage has been always to use the word "Asian" when referring to this particular community. The European Minister without Portfolio also yesterday used the word "Asian" ordinarily, but in this particular context he insisted on using the word "Asiatic" and gave this very special pronunciation to it, which I am objecting to.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): I was using it as an adjective—an Asiatic expression—which I think is the right adjective.

MR. JAMIDAR: All that I can say, Sir, is that we beg to differ, and in his use of this particular expression we have noticed these tones of intense contempt

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and derision. (Laughter.) Mr. Speaker, Sir, I do not see why this should provoke laughter. I went through all the speeches; I heard very carefully all the speeches that were made in this House, and throughout I have found that the word "Asian" has been used to describe this particular community, either as an adjective or as a noun, and the use of that particular word "Asiatic" must have been deliberate.

Mr. Speaker, Sir, the objections that the Asian and African communities have to the imposition of this constitution have been repeated so often that I need not now go very much into detail. It has been pretended that for the first time in this country these new Specially Elected Members' seats have been created with a view to establishing some sort of approach to non-racism—with a view to making some sort of approach to a common roll—but, Mr. Speaker, Sir, one has only to look at the composition of this Council to decide that that pretence can no longer be supported. The composition of this Council is predominantly European. The Government side has a permanent majority and the Government itself takes part in the election of these Specially Elected Members, with the result that the Government has control over the elections of the Specially Elected Members, which practice is far from any concept of democracy. At the same time, the European community, having such a wonderful stranglehold over this Council, has also the same degree, or possibly to a slight extent the same degree, of control over these Specially Elected Members.

The Indian community has come out of the last negotiations on the Lennox-Boyd Plan with absolutely no fruits whatsoever. It has achieved absolutely nothing; no constitutional advancement whatsoever. One would be justified in saying that the Indian community has achieved no advancement whatsoever since the year 1923. We have received the addition of only one Member on this side of the House, but the Europeans got all they wanted and the Africans have achieved quite a bit, although they are not satisfied with it. The Europeans only seem to be satisfied, whereas the Indian community received absolutely nothing at all.

Then, Mr. Speaker, Sir, when I saw this reference in this document which contains the Governor's Address, when I heard that reference in His Excellency's Speech to the effect that these communal seats are now frozen for ten years and that no possible change can be made in the proportions of these seats, I knew no end of disappointment. It has disappointed us to such a great degree and has also disappointed the Africans to such a great degree that they had to make the very unfortunate and despicable gesture that they did on that occasion.

Mr. Speaker, Sir, since our representation is so poor and so low—if this constitution is to be frozen in this particular regard and if it is to be told to us that this representation cannot possibly be increased, then certainly I do not see how the Indian community could ever support this type of constitution and could ever co-operate with the Government. Mr. Speaker, Sir, it is not that we, the Indian community, are standing here to be continuously defiant, either to the European or to the African community. As the Member for the Coast has said, the Indian community stretches out its hands of friendship to both the African as well as the European community, and these hands will remain extended, regardless of whether they will be grasped by the other communities or not. We shall for ever remain friendly to both these communities and there is not the slightest element of bitterness in our hearts. All that we want in this country is to create more of a constitutional progress—constitutional advancement—and with all legitimate constitutional weapons we can fight towards this end.

I do realize, Mr. Speaker, Sir, that this country is yet far away from independence. This country is nowhere near ripe, ready or prepared for anything like independence, and the British connexion must be maintained for a very considerable time in this country. But it must be realized that after all this is an African country and the Africans are bound, sooner or later, to take over the control, and as has been declared in other countries in respect of other colonies, it must here also remain quite clear that the ultimate goal is that of independence, in which the African aspirations will be fully met. It is most essential, Sir, that this reassurance—this

[Mr. Jamidar] declaration—be made in this country as it has already been made in Tanganyika and other colonies. I know I will probably be told that that is the general policy of the British Government, but if this could be repeated in respect of other colonies—to members of other colonies—why should it not be repeated in this country also, so that the indigenous peoples of this country also will have a little more cheer in their hearts; they will feel reassured and satisfied so that we have thereby the beginnings of racial co-operation—and co-operation towards this task of establishing further economic, social and political stability in this country. Mr. Speaker, Sir, I was very greatly disappointed that no such announcement was seen or heard from His Excellency in his Address on this occasion. For it is my very firm belief and very firm conviction that such a pronouncement would have gone far and a long way to establishing cordial race relations and the beginnings of racial co-operative effort.

Mr. Speaker, Sir, in a very excellent maiden speech yesterday we heard a demand that the Government should be called upon to make a declaration that this Colony will remain non-racial in respect of all appointments and for all purposes. I am only interpreting what was said, not perhaps the exact words that the speaker used.

Now this is a statement with which I cannot agree more. There is a very great deal, certainly, to be said for making everything in this country non-racial or amending all racial legislation, for creating non-racialism in the true sense of the word, but I would not agree with the speaker or any speaker in this Council who would call upon the Government to declare or make a declaration of non-racialism only where it suits the particular section and not do that where it does not suit that particular section, because if you are honest, if the speakers are honest, if the speakers are frank, if they are genuine about making this demand for non-racialism in this country, let them now come forward and say that they do not want the White Highlands in this country any longer. The White Highlands are the greatest demand of racialism, the extremest form of racialism that is being practised now and no European

has the right in this country to say that he is a non-racial person.

Mr. Speaker, Sir, if this declaration, if this statement is honest, let the European community come forward and support our demand for common schools. Let the European community come forward and support our demands for common hospitals and common institutions. Unless that is done, Mr. Speaker, it is surely hypocrisy to talk of non-racialism in this country. If there is honesty behind this demand, let the European community come forward and say that the representation in the country bears some sort of relation to the numbers of people whom these representatives represent. Let them come forward and say that the composition of this Council will be varied and it will bear relation to the people who are behind these people in the House.

Mr. Speaker, Sir, the European Minister without Portfolio referred to several speeches on this side of the House and held up the speakers as models for us to follow in their approach of constructiveness and their approach to stability. Mr. Speaker, Sir, if I could do the same, I have also found a model on the other side of the House which I would hold up for the other side to emulate and to follow—I would name the Member, that is the hon. Nominated Member, Mr. Mohindra. Mr. Speaker, Sir, this hon. Member made a very constructive speech and coming from the other side of the House it brought a very great deal of cheer to our hearts. I personally felt, Mr. Speaker, cheered, for the hon. Nominated Member, who is now a colleague, of course, on the opposite side of the House, was some time ago my master who has taught me much and I hope he teaches something to the hon. Members.

Mr. Speaker, Sir, the hon. Member touched upon the question of electoral law. A reference was made to the double-member constituency, namely, the Central Electoral Area. He suggested that it would probably be a good idea to split up this constituency into two parts and have two single-member constituencies instead. As he stated, there is quite a good deal of malpractice going on since there is this double voting system. I agree, but the remedy I would suggest is that instead of dividing the

[Mr. Jamidar] Central Area into two constituencies, which would bring forward greater and greater communalism and motives and rivalries into the open which at present are rather concealed, rather behind the curtains, it would be much better to make the system of single voting illegal, the penalty thereof being that any voting letter bearing a single vote would be treated as null and void and cancelled for the purpose of elections.

Reference was made to detainees. Now this is something on which honestly, I can congratulate the Government for having achieved this very wonderful effect that nearly 72,000 of the detainees are now released and they are being rehabilitated. Only one remark I would make there and that is that in this effort and endeavour of rehabilitation let there be the same intensity of purpose, the same intensity of endeavour as there was in the eradication of the *Mau Mau*.

To the Africans I have only this to say, that we are with them so long as they continue constitutional methods, so long as they themselves abjure violence which is one thing that the Indian community will never tolerate, which the Indian community will never sympathize with in the gaining of political ends. The Indian community also stands in the international field for stamping out violence for the purpose of settling political disputes. The European Minister without Portfolio said yesterday that if the British Administration broke down the Indian community would suffer most. Well, who would disagree with that proposition? Who would say "No" to that? We are all prepared to agree and why single out the Indian community for suffering? All the communities would suffer. Would not the Africans suffer? The Europeans suffered while the *Mau Mau* was on; why single out the Indian community? The Indian community would support any administration which is here and would support the rule of law and order because if the rule of law and order broke down we all would suffer together and we would certainly not allow—whether the Government is a British Government or an African Government—for the rule of law and order to be broken down even for the shortest time, and I hope that

Africans will see the point of this and will support the same position.

As regards non-racialism again, in the schools and hospitals, there is a very urgent need that this principle be applied. Taxation in this country is not racial. The pool of taxation, the pool of revenue in this country is non-racial. You can never say "So much comes from this community and will be spent on this community" and so on and so forth. Taxation is common and therefore the amenities and welfare that the State provides must also be common. I see no justification whatsoever for any school run by the Government to remain a racial institution or any school for that matter which receives aid from the Government to remain a racial institution. As far as possible all these schools must be non-racial at the earliest possible opportunity. I know that this cannot be done in a moment, it will perhaps take some time, but let there be at least a policy statement of the Government, some indication that this is the sort of road that the country wants to follow and this is the sort of beginning which must now be made.

Let at least the municipal day nurseries be made open to all races, let at least one European school be open to all races—never mind what the fees are—then we will know there is sincerity of purpose behind the pious platitudes about non-racialism and so on and so forth. All these statements, like the concluding paragraph of His Excellency's speech in which he stated that the country's interests must be placed above the interests of any section, but in the country the interests in fact which are preserved are the interests of one single community and that community keeps on seeking preferential treatment for all time and will not budge an inch when it comes to giving up some of it. Here, perhaps, I have gone a bit too far.

I would pay the hon. Members the compliment that they so easily relinquished the nonsensical and disgusting concept of parity which was pursued in this country for so many years. I know it was not easy, it was quite an effort, but the fact that it was done does call for a compliment and I give it without the slightest hesitation.

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At the same time there are any number of individual European Members of this Council and any number of individual European gentlemen outside this Council who must be praised for the liberality and moderation of their policies which they have advocated. I know it is very difficult for them even to make a suggestion towards abolition of the White Highlands, but some of them have had the courage to make that sort of a hint, not to the same extent that we want, but they have shown that courage and that character in making those hints from time to time and I would again congratulate and compliment them.

Mr. Speaker, Sir, the ultimate identity of these three races must be a single identity if we want to retain our influence in this country and if we want to achieve proper political, social and economic stability. It is essential that a new nation must be evolved in this country which would stand in perpetual defiance of all forms of division of man from man in every field of life and, Mr. Speaker, Sir, if some such statement were made in His Excellency's address, that would certainly have cheered our hearts. Instead, what is it but a plain, flat, dull, stale, weary and unprofitable document of pious platitudes which do not take us any further from here. As regards the amplification of that statement as contained in the Sessional Paper No. 1, I regret to say that that particular document is very much worse, very much worse, pedestrian and dull and not containing a single original new idea which would help the country go forward or which would help to encourage the non-European communities.

Mr. Speaker, there is another subject touched upon in this policy statement, and that is education, which is a subject very much dear to my heart. I hate to make these continuous references to racialism for I wish I were in a society in which such references would not be called for. There is no justification whatsoever for separate Kenya Preliminary Examinations in this country. Four years after the K.P.E. all the children take one single common examination—the Cambridge Certificate. Then why at the preliminary stage should there be separate examinations? The result of the separate examinations, Sir, is that

according to the Woodhead Harper Commission Report—the European passes are about 65.6 per cent in the School Certificate Examination, whereas the Indian passes are 16.2 per cent. The reason for this must be that the Asian children take a very much inferior examination four years before the School Certificate. There is, Sir, in this country no justification for separate syllabuses, for separate text books, separate types of teaching standards for children of various races. Why is it, Sir, that so much more money should be spent on European children than on Asian or African children?

Here, Sir, may I refer the House to a quotation by Mr. Krishna Menon from a speech of his in March, 1954. The point was made in respect of Tanganyika but it bears ample relation to the conditions in this country also:—

"In the field of education, a European child costs the administration £223 a year; an African child costs the administration £8 5s. a year; and an Asian child costs £31 a year. I am sure it is not contended that the European child is so uneducable that it requires 30 times as much effort to teach him."

Mr. Speaker, Sir, could that be answered? Could the figures be given here of what the respective amounts of expenditure on the education of the children of these separate races are? When that is done, we will know exactly why it is that the Asians have so many fewer passes than children of other races. May it also be stated what proportion of trained and untrained teachers are employed and why the discrepancies are there; why the equipment is so different and why the buildings are so few; why the classes are not enough and so on?

As regards broadcasting, Sir, I agree wholly with the views expressed by the hon. Nominated Member, Mr. Mohindra. There is a very great need for this dissemination of culture and information amongst the people to be properly controlled and guided. It is not at the moment in the hands of the right type of people, people who have the slightest possible acquaintance with the Indian or Asian culture and who do not therefore contribute anything towards the development of this culture. Therefore there is

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a great need for this to be placed under proper control and supervision of people who should know.

I would like just to go back to the question of the electoral law in so far as reference was made to postal ballots yesterday. I would only add this, that it is not only the Asian community in which these postal ballots are being misused; I have heard similar types of criticism from other groups. Therefore the law should not be restricted to any one particular racial group but must be a common law for all. Under no circumstances would we support any separate laws for any separate communities. There is a very great need, if this evil is to be averted, for more polling stations to be opened in the smaller townships and smaller trading centres. If that were done, the bulk of postal balloting would disappear and at the same time the curse thereof.

My colleague on my right made a reference yesterday to the African reserves. It was not clear in his speech but he will permit me to clarify it now: the Asian community is not seeking to disturb the African reserves, the Asian community is not asking for any lands in the African reserves. The reason for that is not that we are prepared for a moment to support any racialism, but that the African community is economically weak and so long as that economic weakness continues we would permit protection to be granted to that community. Therefore we make no demands whatsoever on the Africans.

As regards the question of unemployment, it is very commendable that the detainees are being absorbed in such great degrees as they in fact are, and there is a very great need for preparation for the absorption of Asians who are unemployed at the moment, and the numerous educated Africans who must ultimately come out of their schools and colleges. At the present rate, the problem is going to become a very great social and educational problem in only a few years' time. It will be very difficult to absorb these hundreds of people with qualifications into proper types of employment, and I would request the Government to consider ways and means of increasing employment in industries

and otherwise for these various African and Asian children.

For Asians, there is a need for opening up some other type of employment, some other type of work, namely, in the White Highlands, etc., so that they are not confined only to white collar jobs and to only one particular type of work, that is, small trade. We must also have openings in this country in other departments.

As regards the Maize Control, there is a very great fear on the part of the Indian community that the purpose of this type of legislation or at least, one of the results of this type of legislation, is that existing channels of trade which are manned at present by Asians are likely to dry up, or that efforts are being made towards drying up these existing channels of trade. (Cries of "Shame") Thus they would ask for reassurances from the Government in this respect.

The whole problem is one of an extraordinarily handful of Europeans, a very powerful group of Europeans, European farmers—who are deriving their main income from this particular crop. (Cries of "Question") I do not know what the question is—whether there are powerful Europeans, or whether there is such a group existing of this type!

Since this powerful group has to be supported and subsidized continuously, they are made out to be the mainstay of this industry, and the African contribution is always being played down and comments are being made—have in fact been made in Sessional Paper No. 6—that the African production is unreliable and it is unlikely to support the industry by itself. This matter, however, will come up for full discussion before the Council very soon, and there will be more opportunities to express one's opinion on this subject. So I will not at the moment go into it in detail.

But it must be ensured that this Board does not become just another name for the old maize control, duplicating the same old problems of the maize control. What should be considered is whether or not at this time it is not appropriate for a free trade to be established, for if that were done, most of our problems would not exist. The only people who would suffer is this very small group of powerful European farmers. But the

[Mr. Jamirid] whole country would be very much happier.

As regards the fight against crime: we are very happy to learn that the crime wave this year has subsided, that there is a fewer number of crimes this year than there has been hitherto. We are very happy that this situation is under control, and that the Government is doing all it can to keep this situation under control. But in Nairobi, comments have been made from time to time that crime is assuming a very much more violent form, a very much more dangerous form, and in volume, that the weight of crime is in fact higher. At the same time, the Asian community has through the channels of its Indian Association complained on more than one occasion that it receives very scant courtesy indeed in the police stations in this country. Comments have been made from time to time, particularly in these two places, namely, Machakos and Kiambu, where individual police officers have been ill-treating the population, treating them with very scant courtesy indeed. One particular person has already gone to the court, the matter is still *sub judice* and therefore I will not go into the details.

It has been the experience of many Asians that when they go to these police stations here, they receive hardly any attention or courtesy, or whatever they do receive is very grudgingly given, and it is always unpleasant, with the result that several members of the Indian community, having very legitimate complaints and grievances, are afraid now to walk into these police stations and to make their complaints. The rudeness that we have experienced from the police officers is not confined to any one race. They come from all races, even from Indian policemen, and that is a very sad commentary on the sort of training that is being given to these police officers. They have not been taught anything about public relations, about how to speak to members of the public and how to listen to their grievances and to their complaints. We hope that the Government will investigate this matter and redress it if it is humanly possible to do so.

Sir, perhaps I have taken up a little longer than a new Member of this

Council generally does on occasions like this. However, Sir, I am not Anthony and this is not Cleopatra's tent, but it is the Legislative Council, and I would say unlike my hon. friend from Nairobi North that I have come here only to talk.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I am very grateful for the tributes which have been paid in the course of this debate to the officers of the provincial administration and all those who are engaged in the important task of land consolidation. It is rather unusual, I think, for a Minister of African Affairs to have to reply in a debate of this nature to only three points. I may say that it is very welcome to me.

The three points that I would like to cover—the three main points—are land consolidation, the deployment of the administration, and the detainees.

Now, Sir, the hon. Member for Central Area asked for an assurance that all those engaged in the work of land consolidation should not be suddenly withdrawn, and I am very happy to give that assurance. The Government has no intention of withdrawing the land consolidation staff except, Sir, of course, on successful completion of any consolidated area.

The hon. Nominated Member Mr. Smith stressed the need for further funds for the development of consolidated farms, and I entirely agree, Sir, that funds will be necessary. I know that the Government will look sympathetically upon any proposal of this nature and endeavour to meet it within the existing commitments.

The hon. Nominated Member mentioned what had been going on in the Elgeyo District in land enclosure, and indeed it has been a remarkable feat that with comparatively few additional officers the Elgeyo on their higher lands have completed such a vast scheme of enclosure. When more staff is available as a result of the completion of consolidation in the Central Province and in the area of Nandi and the Nyanza District, we will certainly send such staff to areas such as Elgeyo to complete the survey. The importance in Elgeyo is not the consolidation of fragments, because the land is not in fact

[The Minister for African Affairs] fragmented, but the enclosure of grazing and arable land.

My second point, Sir, is on the deployment of the administration. I must confess, Sir, that I was somewhat surprised when the hon. and gallant Nominated Member Col. Jackman criticized the numbers of administrative staff in the Naivasha District. So far, and indeed only two days ago this happened, I have always received, or have always been in the habit of receiving complaints, whenever I take a district officer away. I suppose in some respects it is refreshing to have the opposite point of view put to me. Nonetheless, Sir, may I remind the hon. Nominated Member that in 1951 when I was Provincial Commissioner, Rift Valley, the Nakuru and Naivasha Districts were amalgamated under a single district commissioner. I know from personal experience that that did not work. The provincial administration on the ground was so weak that, I am prepared to confess it here, we did not know a lot of what was going on and to some extent we suffered from that. Therefore, Sir, just before the Emergency I was extremely glad when I was able to divide that big district into two and to put a district commissioner in Naivasha. I wished to have additional administrative staff but that proved impossible at the time. Now, Sir, I do feel happy with the Naivasha District because I consider that we have an adequate staff there to deal with the greatly increased amount of work resulting from the Emergency.

We still have controls of various kinds upon the Kikuyu, Embu and Meru, and those controls need properly qualified staff to administer them. I am sure that the hon. Nominated Member would not wish at this stage, at any rate, to take off those controls in the Naivasha District.

There is also the question of forest villages there. Part of the administrative staff devote their time to seeing that those villages are properly run and properly looked after. Before the Emergency, Sir, we suffered from a lack of control by the administration in the forest villages. We have got that control and we have now got the staff to see that it is properly done.

The third point to do with the Ministry of African Affairs was the

question of detainees. I must say that I was very glad that the hon. Member who has just sat down—I think he is for the Central Electoral Area—did find at least one satisfactory point in His Excellency's speech, and that was concerning detainees. He did not find anything else, apparently, but I am grateful to him that he found something which concerned my portfolio.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): As this is the time laid down for the interruption of business I now adjourn Council until 9.30 a.m. on Friday, 7th November.

The House rose at sixteen minutes past Six o'clock.

Friday, 7th November. 1958

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

NOTICE OF MOTION

REVIEW OF MONETARY SYSTEM

Mr. ALEXANDER: Mr. Speaker, I beg to give notice of the following Motion as a Group Motion:—

THAT this Council urges Government to review immediately its present financial position and at the same time to enquire into the desirability and practicability of any changes in the monetary system in Kenya for promoting the economic development of the Colony and to report to this Council on both these matters at the earliest opportunity.

REPORT

THIRD READING

The Africans (Life Assurance Control) (Amendment) Bill

Mr. BUTLER: Mr. Speaker, I have to report that the Africans (Life Assurance Control) (Amendment) Bill has been considered by a Committee of the whole Council and I beg to move that their report be adopted.

In doing this I would just like to point out that there have been minor verbal alterations to the new clause to bring the drafting into line with the earlier clauses of the Bill. I understand that this is with your consent, Sir.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think it would help if you were to explain to the House what exactly these slight alterations are, so that Members may know what they are passing. I agree that the alterations suggested may be dealt with under Standing Order 98 (2).

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, if I might explain, the hon. and learned Member opposite drew our

attention last Wednesday to the fact that a consequential and minor amendment had been omitted from the Bill, and the matters which were agreed to in the Committee of the whole Council yesterday affected those consequential amendments. They are not amendments of substance but they merely correct in the principal Ordinance references, or rather they remove from the principal Ordinance references to a section which the amending Bill is taking out of the principal Ordinance.

The question was put and carried.

Mr. BUTLER: Mr. Speaker, I beg to move that the Africans (Life Assurance Control) (Amendment) Bill be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The Bill was accordingly read a Third Time and passed.

MOTION

SESSIONAL COMMITTEE—APPOINTMENT
 To

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I beg to move that in accordance with Standing Order No. 118, the following Members be nominated as members of the Sessional Committee for the current session:—

The Chief Secretary (*Chairman*).

The Minister for Legal Affairs.

The Minister for Finance and Development.

Group Capt. the Hon. L. R. Briggs.
 Capt. the Hon. C. W. A. G. Hamley,
 O.B.E., R.N.

The Hon. N. F. Harris.

The Hon. S. G. Hassan, M.B.E.

The Hon. Sheikh Mohamed Ali Said
 El Mandry.

The Hon. C. B. Madan, Q.C.

The Hon. Sir, Charles Markham, Bt.

The Hon. T. J. Mboya.

The Hon. D. T. armp Moi.

The Hon. J. M. Muchura.

The Hon. J. C. M. Nazareth, Q.C.

The Hon. C. W. Rubia.

This Motion, Sir, is entirely self-explanatory, and I beg to move.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

MOTION

AMENDMENTS TO STANDING ORDERS

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I beg to move that this Council do adopt the report of the Sessional Committee dated 16th October, 1958, and do make the amendments therein recommended, such amendments to take effect on and subject to the approval of the Governor.

I think that all hon. Members will have in their hands a copy of the report which was made by the Sessional Committee. I would only like at this stage to remind Members of the reasons for the enacting of the amendments, which are that the enactment of the Kenya Constitution Order in Council, 1958, has made it necessary to consider a revision of the Standing Orders relating to private Bills. The opportunity has also been taken to bring the procedure into line with that relating to public Bills, so far as this is possible, having regard to the necessity to ensure that with regard to private Bills, first of all that citizens who may be affected are given notice, secondly that the Council retains control over private Bills by means of a petition and thirdly that security is given to cover the cost of the printing. To achieve this purpose, therefore, these amendments have been proposed by the Sessional Committee, and I trust that the House will accept these amendments.

Sir, I beg to move.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

MOTION

THANKS FOR EXPOSITION OF POLICY BY H.E. THE GOVERNOR

Resumption of debate interrupted on 6th November, 1958.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, when I was talking of the deployment of the Administration yesterday I spoke largely

of the Naivasha District and its separation from Nakuru. I apologize to the honourable and gallant and Nominated Member, Col. Jackman, who, of course, lives in the Nakuru District. In a fit, or perhaps a moment, of mental aberration I put down in my note "Naivasha". Nevertheless, Sir, the remarks that I made in that connexion apply in principle to Nakuru. I would not wish the policy of closer administration on security, if on no other ground, to be abandoned or reduced. I am sure that the Administration and local government can develop on complementary rather than on parallel lines.

Yesterday, Sir, I touched upon the question of detainees and I should like to take up the point made by the hon. Member for the East Electoral Area who urged that Government should reduce the number of detainees, now standing at a figure of rather over 5,000, as soon as possible. I think, Sir, that the hon. Member should realize that in fact a substantial proportion of these detainees are *Mau Mau* convicts whose sentences have been remitted and who have been put into the detainee pipe-line for further rehabilitation and, secondly, that the authorities only release to freedom those detainees who they consider have made a full confession of their *Mau Mau* activities and who have undergone a change of heart.

Thirdly, Sir, that despite the more difficult nature of these detainees, the releases for the first nine months of this year have averaged over 1,100 a month, and this is a remarkable achievement, I think, by any standard.

The hon. and gracious lady Member for Nyanza, in what, if I may say so, I thought was a remarkably good speech—she has just been on home leave to England, of course—

AN HON. MEMBER: All the more remarkable!

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston):—mentioned the case of a detainee who, released after five years' detention, was picked up by a passing motorist, penniless and without work. Now I have asked the hon. and gracious lady to give me details of this case, for I feel it must be a very isolated one, and the reason I feel this is, Sir, that

[The Minister for African Affairs] in the pipeline detainees do, in fact, receive pay, which is credited to a savings bank account, and therefore when they are released they have with them their savings bank account, and in the case of a detainee who has been in detention for some considerable time, that sum is fairly substantial. Secondly, the pipeline system of camps—the works camps in the districts and the open camps in chiefs' centres—do, in fact, return the detainees to his home location free of charge.

Sir, turning to the other Ministry under my control, the hon. and gallant Nominated Member, Commander Goord, asked whether county councils should not take over all the work done by Community Development in the settled areas. As the hon. Member himself knows, there is, in fact, only one Community Development Officer in the Nakuru County Council area at present paid from Government funds. So far as my Ministry is concerned, I have no objection in principle to this proposal, all county councils are not prepared to go quite as far as the Nakuru County Council, but I am sure that suitable arrangements can be made.

The second point the hon. Member made was that he hoped the system of youth clubs, which were being developed in certain areas of the Central Provinces, could be extended and expanded. This, of course, Sir, is our object, but the expansion is bound to a slow process, particularly if the local people do not show a spirit of self help and enterprise and a determination to place these clubs on a solid foundation, with leaders of the right type. I feel it is most important that such clubs should be adequately looked after and supervised.

Finally, Sir, the hon. Specially Elected Member, Mr. Muchura, asked me why the Lambwe Valley and the Shimba Hills schemes in the South Nyanza and Kwale Districts had relatively few applicants. He felt that those two particular schemes came under my Ministry. In fact, Sir, if he will look at Sessional Paper No. 1 of 1958 at page 8, paragraph 54, he will see that it comes under my hon. friend, the Minister for Agriculture.

I think, Sir, I have covered most of the points raised in respect of my two Ministries, and I beg to support.

Mrs. HUGHES: Mr. Speaker, Sir, His Excellency, in his speech, made it very clear that Kenya was our home—the home of all those that were born here and of all those who, by their endeavours, their ability and, above all possibly, their love of this country, have made Kenya what it is today.

Mr. Speaker, Sir, how can we build up on that confidence that His Excellency expressed, an assured stability and the well-being of all the people in Kenya? Surely, Sir, the real backbone of the country must be the women and the home. As the hon. Mover said, every Member of this family must help in a practical way, and in a young and underdeveloped country such as this, we must all bear in greater or lesser degree the burden of responsibility. But, Sir, seeing the behaviour and hearing the speeches of some of our Members, I feel that there are rather naughty children in this family of ours. I believe that some of them do not realize the responsibilities that they must take on.

Now, Sir, particularly in this time of recession, it is no longer possible for the few to finance the services which are expected, and even demanded, by the masses of people here. Sir, this is a policy debate, and I understand that we should take this opportunity to put forward suggestions to mould the Budget proposals, and I would suggest that this is the right time to consider very seriously what are the essential things in this country. The first priority—the basis of all we desire—is the home, and the education of women in that home. Sir, I consider that this must be our first priority in considering the Budget proposals.

Sir, the emphasis in health services and in social problems surely is prevention, and I hope by some of the examples that I intend to give you today, that it will be appreciated that much of what is being spent in time and money in these social problems can be prevented by housing the population adequately.

Can we first take the status of women in Kenya? There are still far too many of our people who treat their wives as beasts of burden, and while they pay lip service to western ideas and democratic principles, they still hanker after certain tribal customs that suit

[Mrs. Hughes] with land consolidation well under way, it is recognized, I think, that the family—as it was known in the old tribal system—will not be able to support all the members, and indeed all the illegitimate children of those members, particularly of the daughters. They are not very welcome in the family group any more. Recently—and I say "recently" because it was not a very common problem when they had the system of polygamy—daughters of the tribe are now allowed to form rather loose associations with the men of their choice, and probably the hope is that when the family is forthcoming, the marriage dowry will be paid. Sir, this is a serious matter, because unfortunately the marriage is not often honoured and these girls are abandoned, and there are many hundreds of these girls who are affected. The greatest retaliation that such women and their families have is to take the errant husband before the African tribunal court and there, I understand, the maximum fine is about Sh. 300, and then the male is completely free from all further responsibility. I would suggest, Sir, that the only way of making these men realize their responsibility is by touching their pockets.

Now there is a further class of socially insecure women, and they are those whose legal husbands have abandoned them, either by being detained, imprisoned or for personal reasons such as taking on second and third wives according to tribal custom. These unprotected women—and by no means can they be called prostitutes—do, for economical reasons in trying to keep a roof over the heads of themselves and their families, and to get food for their families, do go from one man to another. Still further, Sir, there are exceedingly young girls—as young as 13 years old—in this city who are becoming mothers and have to support their children, and, Sir, even when there is no doubt whatsoever as to who the father is—because, indeed, some of these children have been actually christened, in the names of their fathers—there are no legal proceedings at all to obtain maintenance for the unfortunate girls and their children.

Well, Sir, it is difficult to estimate the extent of the problem, but from very reli-

able sources in Nairobi, it can be estimated that there are at least 3,000 to 5,000 women in Nairobi Extra Provincial area alone. Sir, there must be some form of maintenance order, which I would most strongly urge as being applicable to women of all races. It is needed for the Europeans and it is equally, if not more so, needed for the Africans. In England they have recently passed through its Second Reading a Bill which makes it possible to collect from the man's pay-pocket for the maintenance of his deserted wife and family, and furthermore—and this I think is a very important point—it has been ruled that it is the duty of the court to find the defaulting husband, and taking the onus off the woman herself.

Sir, I have touched very briefly on this point, but I think it will be realized the enormous cost to the State in personnel and expense in dealing with these thousands of women, and that is not taking into consideration the number of children.

Now, Sir, something which is very much to the fore just recently is the question of juvenile prostitution. Now, Sir, it is, to a degree that must be horrifying to all thinking people, not only for the sake of the unfortunate girls themselves, but for the most alarming spread of disease through these children, and the cure of this disease must be borne by the country. I could give you figures, that I think would possibly horrify you, of the rate of the spread of this disease. Now these venereal diseases in most cases, I think, are due to ignorance, particularly in trying to treat them, and a lot of them do not continue their courses until they become cured; but there is also the very far-reaching effect that these diseases have on the second generation.

It does affect the people here in physical ways, in deafness, in blindness and other physical deformities which all require, I would suggest, very expensive hospital services.

Now, Sir, in the statement of Government policy, it was said that it may not be possible to maintain the coverage of curative facilities at the present level. Surely then, the emphasis must again be on prevention. Now I know that Government is treating this problem

(Mrs. Hughes) very sympathetically indeed but I do hope that they will continue to press for and establish a school for these girls in the very near future, because this problem cannot wait.

Then, Sir, there is juvenile delinquency and adult crime which is rampant, and again is costing the country a great deal of money, such as could be prevented (or at least much of it could be prevented) if there was adequate housing. I believe the hon. Nominated Member from Sabatia spoke about this yesterday, and the need for simplified standards of housing in order to house all the people.

Sir, I think at this point it would be well to recognize with gratitude all that has been done to help us out here in the way of health services by UNICEF and other agencies. We are indeed very grateful for what they are doing, and I do hope that they will continue to assist the development of social services for we need their help very badly indeed. But, Sir, it is up to us to lay the foundation for these services. Houses of a simple, decent standard, within the means of the people, should be built now, now while building costs are low, while labour is available and the building trade in need of employment. Indeed, Sir, I do believe that the requisite capital would be available from private sources. The Minister for Housing must be given these reassurances of obtaining capital if he is to do any more than play with this problem. Despite all the schemes that we have heard are going ahead, I believe there are still something like 34,000 Africans unhoused in this city alone. That, Sir, is a tremendous number of people, because even those that are housed—and I presume there are about 74,000 housed at the moment—are certainly not housed under family conditions.

Sir, I have asked several times in this House whether there would be more money forthcoming in regard to loans for satellite villages and schemes of self-help such as are being put up at Kiambu. We have never received a reply to that, Sir, and I hope that there will be some reply forthcoming before long.

Sir, to assist in the more economic building of houses, I would once again ask the Minister for Local Government to implement, as soon as is possible, a

set of model building by-laws. Sir, the principle of model building by-laws has now been accepted by Adecock by the Association of Municipalities and by the building trade. We would go so far as to say that we are prepared, if it will help in any way, to ourselves provide a draft set of by-laws before they go to the Legal Draftsman. I hope that this will help the Ministers concerned and that they will be able to implement these by-laws early in 1959, because I think it is desperately urgent that the many places which have not got by-laws should have some form that will produce economic building.

Sir, while I am on this subject there does seem to be some sort of misunderstanding between building by-laws and town planning by-laws. Planning by-laws vary very widely according to the district and the various needs of the community concerned, the building by-laws deal only with the mechanics of building, and will permit the economical use of new materials and methods, providing that the fundamental requirements of strength, fire resistance and public health are safeguarded. They must and can apply to all parts of the country.

Sir, I would again appeal to the Minister for Local Government for more co-ordination between the Lands Department and the Town Planning Department. Lack of vital statistics regarding sites must and certainly does hold up development schemes to a very great extent, thereby jeopardizing building at the most advantageous times.

To end, Sir, houses will pay us dividends, in creating an atmosphere of security and confidence, surely, Sir, a happy and united Kenya family.

I beg to support.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I should like to deal with some of the points raised by the last speaker. The first point with which I am concerned is the maintenance of illegitimate children. I am happy to tell the Council that an Affiliation Bill has been drafted, that there is only one point of difficulty remaining in it, that a meeting is to take place within some days between my colleagues, the Minister for Local Government, Health and Town Planning, the Minister for African Affairs, and myself to iron out that difficulty. I do

[The Temporary Minister for Legal Affairs]

hope that the Bill will be published in the *Gazette* in the very near future. I agree entirely with the points raised by the hon. and gracious Member. The Bill implements the recommendations of the Slade Report.

Sir, the hon. and gracious lady also raised the question of garnishing the salary of a reluctant husband in the hands of the husband's employer. In other words, that where a husband has deserted his wife, his salary should be attachable in respect of maintenance. A proposal to that effect is already being considered by the Supreme Court to see whether it is possible, within the framework of our existing law, and if it is not, whether the law should be amended in that respect. I am happy to tell the hon. and gracious lady that the Bill which she said had had its Second Reading in England to this effect has been passed and has become law.

With regard to the neglect of children, there is provision in the 1955 Ordinance to protect children, and the hon. and gracious lady has drawn my attention to no less than four cases, which are now being actively investigated by the Criminal Investigation Department to see whether the law cannot be enforced in these particular cases against the fathers who are responsible for neglecting to maintain their children. I take this opportunity of publicly pointing out that the law does provide a sanction against the father who neglects to maintain his children. The sanction is contained in an Ordinance which we enacted in 1955 and which makes it possible to send such a father to prison for two years or fine him £100. Sir, the sanction is there, and I think it is desirable that publicity should be given to the fact that it exists, so that irresponsible fathers of all races will know that the law has an arm long enough to reach out and catch them if they neglect to carry out their responsibilities to their children.

The one remaining point on which the hon. and gracious lady spoke relates to building by-laws. I am not competent to comment on the technical aspect of building by-laws, but I am delighted to support any suggestion, which the hon. lady has put forward, which will reduce the burden of drafting on the Legal

Draftsman. If one set of model by-laws can be agreed which are going to simplify that task, as well as simplifying the tasks of local authorities and architects, then I am on the side of the local authorities and architects.

Mr. Speaker, if I might turn now to some other points of legal interest which have been raised in this debate, first of all the hon. Member for the Rift Valley yesterday spoke of corporal punishment. He said that it was necessary and desirable to make the punishment fit the crime, and that therefore in respect of crimes of violence flogging—I did not hear whether he said should be reintroduced or should be introduced—and that the fact that it was there as punishment for people tempted to commit crimes of violence should be publicized.

Corporal punishment is a subject on which two extreme views are held. There is one class of person who holds that all corporal punishment is wrong; there is another class of person who holds that corporal punishment is right in every case. As with all problems where you have two extreme views, the solution is usually a compromise somewhere near the middle, and that is the compromise that has been adopted by the law of Kenya. Ever since we have had a Penal Code corporal punishment has existed, especially in respect of crimes of violence. If I might refer the hon. Member to section 28 of the Penal Code it provides how corporal punishment shall be imposed. "A sentence of corporal punishment shall be to be whipped once only. Such whipping shall be with a rod or cane to be approved by the Minister for Legal Affairs or with such other instrument as the Minister for Legal Affairs may approve. The sentence shall specify the number of strokes which shall not exceed twenty-four."

"No sentence of corporal punishment shall be passed upon any of the following persons:—

(a) Females—"

and in passing it is interesting to note that it was not until 1820 in England that the public flogging of women was abolished—

(b) Males sentenced to death.

(c) Males considered by the court to be more than forty-five years of age."

[The Temporary Minister for Legal Affairs]

Then, of course, there are provisions with regard to medical inspection and so on.

Sir, I have caused enquiries to be made of the severity of this punishment and although precautions are taken that no lasting harm shall be done (for example, the kidneys are covered and medical inspection takes place beforehand), it is undoubtedly a very severe form of punishment. To go on to the second part of the hon. Member's suggestion that it should be in respect of offences which are violent offences, in addition to a number of sexual offences—such as rape, indecent assault, defilement, procurement and unnatural offences—the punishment for crimes of violence is as follows. Punishment for armed robbery is contained in section 291 of the Penal Code, and is imprisonment for life with or without corporal punishment. I welcome the opportunity which the hon. Member for the Rift Valley has given me to publicize that fact.

The punishment for burglary—that is, breaking and entering a house by night in order to commit a felony—is imprisonment for ten years with or without corporal punishment. There is another offence called "disabling with intent to commit a felony or misdemeanour". That, to Members of Legislative Council, may have an interesting history. In the middle of the 19th century in England there grew up a crime called garrotting, where the robber used to go up behind his victim in the badly lit streets of the big cities, throttle him until he was unconscious and then rob him. There was a considerable wave of this which was dying down, when Parliament having done nothing, when a Member of Parliament was garrotted. And they immediately passed a Garrotting Act of 1863, which is now section 22 of our Penal Code. That provides, again, imprisonment for life with or without corporal punishment.

I hope I have said enough, Sir, (a) to allay the fears of the hon. Member; and (b) to give publicity in order to deter anyone who is tempted to commit an offence of this nature. Sir, I think I might also take this opportunity of saying what I heard in general conversation, as a

member of the public with other members of the public, on the success which has attended the Nairobi police in their efforts recently in respect of crimes of violence. Justice has been swift as they were sharp, I think, in many cases. This has had a good effect on the public.

Now, Sir, I should like to turn to the Specially Elected Member, Mr. Muchura, just to mention one very short point that he raised. When he was dealing with the Civil Service, he said it was a pity we did not have in Kenya, as they had in Uganda, the training grade of Legal Assistant in the Attorney-General's Chambers. We have got that grade in the Ministry of Legal Affairs, and there are two such persons in scale A.

I might turn now to what the hon. and learned Member for Central Area said yesterday about the constitution. Sir, in his speech, he said that the statement made by His Excellency in the Communication from the Chair, that now the proportion of Specially Elected seats had been frozen to ten years came as a shock to him and to the African Elected Members. The clear implication from his words was that this was something that had just been introduced. He went on to say that such a shock was it that the African Elected Members decided to walk out of this Council Chamber. Sir, it is rather astonishing to hear the hon. Member, who, I understand on equity, is in practice as a lawyer, to say that this has come as a shock to him, because it has been the law of this country since 5th April of this year. If he were here, I would refer him to the appropriate section of the Kenya (Constitution) Order in Council, 1958, which is section 23 (1). Sir, much worse than that, this has been public property for 12 months; it is contained in paragraph 6 of Command Paper No. 309, which was presented to Parliament by command of Her Majesty in November, 1957. It has been public property for all that time, and I am sorry to hear that the hon. and learned Member was shocked to hear it in this Council Chamber on Tuesday of this week. I might also point out that I myself on a number of occasions have drawn the attention of hon. Members to this fact in the Constitution in this Council Chamber.

[The Temporary Minister for Legal Affairs]

It was regrettable to listen to the hon. Member's speech. Although I must say that I can congratulate him on this: that he was obviously speaking to a plan; that he had made up his mind what objective his speech was to achieve; and, Sir, he achieved it. The objective, of course, which he achieved was to inject racial venom into this debate. It is a great pity that a debate which has been conducted at a high level of liberalism should have been reduced to racial backbiting as it was in this particular case. I hope when the hon. Member has had longer experience of this Council Chamber that he will not do so again. He did say that there was a possibility of his having to retire from this Council Chamber in the near future, and I must say, as one listened to his speech, that one was tempted to suggest that unless he improved his ways, that day could not arrive too early.

Mr. Speaker, I beg to support.

MR. NAZARETH (Western Electoral Area): Mr. Speaker, Sir, His Excellency's speech started with the most important part of the matter with which he was concerned, and that was the constitution. Now, a constitution supported or accepted by the bulk of the people lies at the root of political stability. And political stability lies at the root of economic and social progress. I therefore cannot help viewing with unrelieved disappointment the approach of His Excellency's Government to this basic question.

Before dealing with that part of His Excellency's speech, I should like to refer to some other parts of the picture which are a little more cheering. I heard with satisfaction what we have been hearing for several months, of the progress made on land consolidation. Not only is that necessary to better farming, but it is necessary for the purpose of evolving more satisfactory and more enduring forms of land tenure. Similarly, I heard with great satisfaction of the spectacular increase of African coffee farmers. The figures have been set out in the speech, and I need not repeat them. Certainly, if the Government could achieve in other fields the tremendous progress that has been made in this field, I think we would listen to these speeches with even greater

satisfaction than we have listened to this one.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

In the field of farming, however, it is disappointing to Asians to find so little done for the Asian community. We know that the Asian and Arab Settlement Board was wound up a few years ago, and we have been making efforts in the last year or two to have something done to put the Asian community a little better into the farming picture. We have been told that the Minister is looking into the matter, looking at it, but it looks as though in spite of all his careful looks he does not get very near the picture. The hon. Member for the Rift Valley wanted to know which side of the fence the Asians were grazing. It is a matter of satisfaction to me for once to find out we are not charged with sitting on the fence; but that we are apparently supposed to be grazing on one side or the other of it. On one side of the fence, the Europeans are grazing in the White Highlands; and on the other side of the fence, the Africans graze on somewhat rougher and more overworked pastures in the African reserves. Where are the pastures on which the Asians can graze? The last thing we want to do is sit on the fence; we want a gate in the fence which divides the country into the White Highlands and the African reserves, and we want not only Asians but people of all races to graze on both sides of the fence, irrespective of colour or race. The main burden for achieving that happy state of affairs lies upon the European community rising above passion, pride and prejudice and the desire for privilege.

The Minister for Legal Affairs has complained that the hon. and learned Member for the Central Electoral Area has been indulging in backbiting, and that he has brought up the subject of racialism. It is very pleasant to sit in such situations that you have not to complain of racialism, but those who wear the shoe know where it pinches. And those who suffer from the practice of racialism are the ones who are obliged to complain about it; they cannot help

[Mr. Nazareth] complaining about it, they cannot ignore it, because they are the victims of it. I do not propose myself to pour salt into any wounds that the hon. and learned Member for the Central Electoral Area may have inflicted, but I cannot for one moment concede that the complaints he made and the general attitude he adopted were in any way unjustified.

On the matter of detainees, I view the picture with much more satisfaction. It is a mixed picture, bitter-sweet, but there is much to welcome. There has been, as we have been told, a reduction in the number of detainees from 77,000 to a little more than 5,000, and that picture has been improved this morning by the statement made by the Minister for African Affairs when he said that that figures of a little more than 5,000 included convict detainees. We have also the promise, or the hope held out in the speech, that this number is expected to be reduced over a period of months. But while that part of the picture is welcomed, there is another side to it to which I feel the Government should be a little more alive.

Some of these detainees have been held in custody for a period of four or five years. It should be remembered that liberty is both a right and a boon, and it is only pressing danger which can justify, without trial, the detention of a person, the deprivation of his liberty. There was a period of acute and pressing danger when that attitude was justified, but it is not time that we looked again at the situation, and considered whether in the present context, the deprivation of the liberty of considerable numbers of persons for a period of as much as four or five years continues to be justified? The organization of *Mau Mau* has been broken up. These men are now the few that are left—200 to 300, I think we have been told—these men are men who are running about in the forest, without any sort of organization, desperately seeking food and to save their lives. The men who were the leaders of the movement are marked men, known men, and it is difficult, practically impossible, for an organization that has been broken up, whose leaders are known, to reform and reorganize themselves. The danger therefore of those very men who have been

deprived of their liberty reforming themselves into a dangerous organization is, I would suggest, very remote—

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

I expect Government has been concerned and perhaps more reluctant to speed up the process of releasing these men by the cropping up of the new movement, the *K.K.M.* But in regard to the *K.K.M.* we have been told that these are not the men who have been released from custody, from detention; the danger has come from others, and relatively few of these men are men—if any—who have been released from custody. Therefore there does not appear to be a serious danger that if these men were released from custody they would reorganize themselves and constitute a danger to law and order.

It is of particular concern to persons like myself who are connected with the administration of the law in which so prominent a part is played by the right to a fair trial, that large numbers of men should at this late period of the Emergency, an Emergency which, in the ordinary sense of the word, has come to an end—that at this late stage in the Emergency they should be deprived of their liberty without a trial.

Before I leave that part of the subject I should like to say with how much satisfaction I learnt—I think in Sessional Paper No. 1 of 1958/59 that many of these convicts, convicted of lesser *Mau Mau* crimes, have been and are being treated as detainees and not as convicts. That certainly is a most liberal, generous and enlightened measure on the part of the Government, and I sincerely hope that nothing will happen that will make the Government regret that they took this most enlightened step.

Coming to the subject of the constitutional changes I feel bound to say that I think the attitude of the Government has been extremely short-sighted. There are several points of not to which I should like to draw attention. The first is that this constitution has been welcomed only by the European community. The vast majority of the people of this country either reject it, or oppose it, or they are not satisfied with it, or

[Mr. Nazareth] they are highly critical of it. The second point to be noted is that the constitution is an imposed constitution. It does not represent any measure of agreement except possibly by the European community. At the commencement of the speech it was said that there had been—"after long discussions with all groups in this country". Now if there were long discussions with all groups they certainly did not get near the points which have been dealt with in these changes. It is true there were discussions with the Asians, but not on aspects, or many aspects, on which innovations have been introduced. Similarly the discussions with the Africans halted at the threshold when the Africans refused to negotiate unless there was a preliminary discussion and prior decision on their demand for an increase in the number of African seats. The discussions were more in the nature of clearing the ground so far as the Asians are concerned, not, as one might say, concerned with the work of planning the building.

Now, all the communities except the Europeans want a round table conference, and both the Africans and the Indians and probably others also ask for the appointment of a constitutional expert. In His Excellency's speech it is said: "Yet changes will not take place unless there is negotiation in the true sense of the word." Then it goes on a little lower down: "The Government is always open to reasonable suggestions." Is it an unreasonable suggestion to ask for an expert and impartial examination of the constitution, a constitution that has been rejected, or is not supported by any community except the Europeans, and that that examination should be followed by a round table conference? I would urge that an expert examination is very necessary indeed. The Lyttelton constitution was an *ad hoc* constitution. Likewise the Lennox-Boyd constitution. And these have been on the whole the result of hurried visits. It is suggested sometimes when this matter is raised that the Colonial Office has enough experts. No doubt the gentlemen who man the Colonial Office have considerable knowledge of these matters and are very able men, but it is desirable that this matter should be examined by someone who is

not involved in the conflict. The conception of the kind of expert that I have in mind, and I hope others have in mind, is of an expert, who should be of course a man well equipped for the task by his general knowledge of the subject, that he should meet all groups, should endeavour as far as he can to achieve agreement, so that at least we have this advantage, that he would get clear all points of view.

If after such an examination a reasoned report were presented, the burden would then lie upon the respective groups, who reject the recommendations made, to give valid reasons for their rejection of those recommendations. If in such circumstances there was the necessity, default of agreement, of imposing a constitution, opposition to that constitution so imposed in such circumstances would be much less reasonable and thorough than has been encountered by the Lennox-Boyd constitution. The constitution imposed in such circumstances would endure longer because it would have much more of consent and much more of reason behind it. It would not be the result of pressure of contending forces each seeking to pull the constitution their own way. It is of prime importance that we reduce the prevailing racial tension—and I do not think it can be said there is no racial tension which has been generated as the result of the Lennox-Boyd constitution—and, if that is so, I do suggest that the best way, since it is the way claimed by so many communities—the best way to reduce that tension is to have this impartial examination and follow it up with a round table conference.

The Kenya Constitution in the course of its history has collected a lot of barnacles. We have now, as the result of historical progress and the pressure of contending forces, a top-heavy Government. In Southern Rhodesia, I believe, about six men are enough to carry on the Government. My figures may be wrong, but I think it is about six; here we have to have as many as 14. The institution of the Specially Elected seats is wholly unsatisfactory to the Asian community. The Specially Elected seats are practically a gift in the hands of the European Members of the Council and the Asian Members have

[Mr. Nazareth] no effective voice in the choice of those men.

The Council of State does nothing which the Secretary of State could not have done before. It is, in effect, a mere dilatory body which has the power and the right to ask this Council to think again. That is about all it can do. It would have been much more valuable if this Council of State had been given the power to deal, not with apprehended future racial discrimination, but with the many instances of racial discrimination which exist and which prevail, like the White Highlands, racial segregation in the townships, racial schools, racial hospitals, and all that. If the Council of State could have dealt with these it would have been a far better and a much more valuable body than a body which is to deal with apprehended future racial discrimination and has so far achieved the great feat of asking us to deal again with the hotel legislation.

The Lennox-Boyd Constitution has not faced the basic problem of the common roll. I know there are some who claim that the Specially Elected seats are a form of common roll. There are others who say they are not. A form of common roll which gives rise to such differences of opinion cannot be a particularly recognizable form of common roll. The pitiful pretence of the Lennox-Boyd Constitution, that it has got the races together, that it has achieved a step in Constitutional progress, has been exposed by the reaction of the Government to a question that was set down several months ago and was replied to in May, 1958. The question was: Is it the intention of Government to render null and unenforceable racial covenants relating to land in townships? The answer of the Government was that they will not allow such covenants to be introduced in new grants which are issued by the Government, but in effect they will go no further. Well, if that is all that the Asian Ministers in the Government have been able to achieve, if this irritation that has existed for so many years—not merely irritation but injustice and hardship to the non-European communities—is allowed to continue, I can only think that the Asian Ministers play a very

small part in determining the decisions of the Government, that they have very little influence. Indeed on the Government, and this constitution has done very little. In the way of removing, what it ought to achieve, racial discrimination which keeps the races apart.

I can bear with little patience, answers made to Asian complaints about discrimination, and Asians being charged with raising the subject of racialism. European racialism is so obvious, so persistent, so pervasive that only those who will not see can be blind to it. In fact, it is a case of "Heads, I win, Tails you lose". Whenever we complain of racialism, we are called racialists, and it is Europeans only who raise the subject of racialism and attack us as racialists when it suits them, and they want us to concede various points which it is to their interest that we concede. Whenever we complain of our grievances we are told we are racialists. We cannot help complaining about these various practices because we suffer from them, and so long as those practices continue so long will you receive our complaints.

In His Excellency's speech he says, "However, as it is now constituted, the Government can and if necessary it will carry on the administration of the country". Now, that passage reminds me of an answer given by one committee man to another. The committee man had resigned and his fellow members had asked him, "Do you think we cannot carry on without you?" The answer was "You can carry on all right, but you won't be worth much". That is more or less the position of this Government. If the elected representatives of the African community are not in the Government and do not support it; and if the Asian community demands, or at least the Indian community has demanded that it, by 31st December, certain things do not happen the Indian Government—if that is the situation to which the Government is reduced—that is that it is without elected support from the Indian and African communities, that Government is not worth much.

It is for the Government and the hon. European Elected Members to build up confidence and we cannot build up confidence if we have, as we have experienced, a perversion, a turning away

[Mr. Nazareth] from institutions that have been introduced. We have had that experience in connexion with the Corporate Members and we hope that we will not have a repetition of that experience. The Corporate Member who, we understood, was appointed to represent commerce, in which the interests of the Asian community are greatly involved, has been misappropriated and converted to their own use by the hon. European Elected Members. It has been said that my hon. and learned friend the Member for the Central Electoral Area has found nothing good in the Lennox Boyd Constitution. On that point I would differ from him. Certainly one step which I welcome in the Lennox Boyd Constitution is that we shall see the end of the Corporate Members in 1960 as a result of a decision contained in the Lennox Boyd Constitution. But what has been done in regard to the Corporate Member has given us a very healthy respect for the shrewdness of the European Elected Members and an anxiety to keep at a safe distance. If negotiation, in the true sense of the word, yields such results then we shall ourselves be extremely careful about negotiations.

The speech of His Excellency has been disappointing to us because of its blindness to the essential roots of stability and progress. But I am far from withholding support to this Motion of Thanks. His Excellency, deserves our thanks and our admiration because with eyes so firmly closed and feet so firmly planted he leads so gallantly the charge of the Light Brigade.

Sir, I beg to support.

MR. NURMOHAMED (Nominated Member): Mr. Speaker, Sir, I rise to support the Motion moved by my hon. friend the Nominated Member, Mr. Rubia. I would associate myself with all the Members who have paid tribute to His Excellency the Governor on his fine and clear speech which he delivered before us on Tuesday last.

Firstly, Sir, I was really happy to hear the statement from His Excellency about the Coast and about the Protectorate because I myself was born in Zanzibar and I really felt that we should be reassured of the status of the Protectorate which is governed by the 1895 agree-

ment between the British Government and His Highness the Sultan of Zanzibar. I am sure that all those who are permanent residents of the coast will be happy with this reassurance.

I was also pleased to find that most of the Members opposite welcomed the speech of His Excellency. The hon. Members for the Central Area have decided not to support the Motion, however.

Well, Sir, touching on the point concerning the constitution, I found, from the Opposition voice, that the Members are going to follow strictly the resolution of the Congress which was passed in Mombasa this year. After that resolution, Sir, I would like to know what efforts have been made by the Congress or by the Indian Members to impress upon the Government the spirit of that resolution. I believe, Sir, that it was the duty of both the Congress and the Indian Elected Members sitting in this House to try by negotiations to play the role of mediator between our European and African friends, and asking them to come forward and discuss the matter with a view to finding out a solution which would be applicable to all in bringing an end to the constitutional deadlock.

We hear that by 31st December, the Minister without Portfolio might be called upon to withdraw. I would still request my hon. friends sitting opposite—the Asian hon. Members—as well as the leaders, the responsible leaders of the Indian voice in this country to do their best to use all their wisdom and all their diplomacy to start discussions with the European side of the House and the European responsible leaders; and on the other side to use their own influence to start negotiating with the African Elected Members and the African opinion to bring about a possible solution of the problem on which we are all talking here in this House for the last two days. If they can succeed in their effort in doing that then I think they will be doing a great service, not only to this country but to the community as a whole, to bring about the future peace and prosperity of this country.

Sir, it is all right coming on the Floor of this House and speaking what anybody wants to speak but I think that if we make sincere endeavours to bring about

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a solution of any problem there is nothing in this world which will stop us from doing the right thing at the right time.

On the question of the economy of this country, Sir, my hon. friend Mr. Mohindra has spoken at length about it, and I do not think that I should speak much about it because I agree with his opinion as to the future of this country and the progress about which cautious optimism is contained in the statement of policy; and I think we would be well advised to be cautious about our future economic progress and development which the Government is planning for the future of this country.

Sir, I am happy to find that Mombasa is going to be raised to the status of a municipal council some time next year. Of course, Sir, it is long overdue, but Mombasa deserves this and the people of Mombasa will be very happy to have a municipal council, and possibly in the future there will be a City of Mombasa. They have deserved it, Sir, not because Mombasa is a big town but because a development has taken place in Mombasa, under the Municipal Board there, which has always been admired and praised by all. I am sure that the Minister for Local Government who has brought about an agreement as to the composition of the future municipal council of Mombasa will do his best to present the amending Local Government Ordinance during this session into this Council.

On the rent control side, Sir, I would request the Government to present the Report and its recommendations on the Committee's findings as soon as possible, so that those people who are very anxious to know about the future of rent control in this country should consider that Report and try to understand what will be the future of rent control and when it is going to be relaxed completely.

I do not think, Sir, that there is anything much more for me to say except that I was very amused yesterday to hear my hon. friend the Member for the Central Area, Mr. Jamidar, saying that his master was also sitting in this hon. House, and that is my hon. friend Mr. Mohindra. I was just wondering what the position would be if the arrangement was vice versa with the hon. Mr. Mohindra

sitting on the opposite Benches and Mr. Jamidar sitting on the Nominated side. I wonder if the hon. Elected Member would be just like a tame cat sitting here. Sir, I support the Motion.

LT.-COL. MCKENZIE (Specially Elected); Sir, I would like to congratulate the hon. Mover of this Motion on his speech dealing with the general policy given by the Governor himself as laid down in Sessional Paper No. 1.

Sir, I will leave constitutional matters and politics—pure politics—to those who maintain they have the knowledge and within whose orbit it is to speak on those matters.

Before getting on to agriculture proper, Sir, I would like, if I may, to raise one or two points.

The Minister for Finance has taken my colleague, Mr. Slade, and myself rather to task for bringing into this House the opinion that agriculture in general and mixed farming in particular were having a hard time; also because we brought the matter before this House and said that matters were going to get worse before they got better. Imagine my astonishment when I picked up the Sessional Paper and read under his Ministry the following, paragraph 14, page 3: "The fall in the prices of a number of Kenya's agricultural exports must be balanced against the prospects of recovery following the end of the recession in America..." I think it is pretty obvious, Sir, that he has gone to America to find out whether this recession has turned the corner or not, but the point that I would like to make, Sir, is that it is obvious to me that the Minister for Finance is completely out of touch with general farming knowledge and general up-country knowledge and what exactly is happening in farming. I do hope that the wandering around of our Minister will cease and that he will come up-country a little more and see our problems or even to estimate what our problems are going to be.

Now, Sir, if I could move on to broadcasting, I am told by radio experts that our system of short-wave broadcasting is going to be a very expensive one. There is an alternative system that operates in Rhodesia—namely the medium-wave system. Our Posts and Telecommunications have what is known as a carrier

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service which goes from Nairobi up to Mau Summit and then shoots off across from Mau Summit away across to an island in one of the lakes and then to Kampala. I am told that this is an inexpensive method of getting your medium-wave broadcasts received—to have your station here in Nairobi and then under this carrier system you push off your programme, and your medium-wave is connected up at the Mau Summit and that covers your heavily populated areas, your African land units, and all your up-country areas, Uasin Gishu, Trans Nzoia: Your ordinary straight medium wave would cover Nanyuki, Nyeri and all the Central Province. Under the same carrier system you would have one station which is on top of the hill half way to Mombasa. I am told that the great advantage of medium wave over short wave is that cheap radios are on the market which sell at between Sh. 100 and Sh. 120 and all you need as a booster to keep them going are four torch cells.

I would be very grateful if the Chief Secretary would go into this. I appreciate that we have got a man coming out from the B.B.C. but I wonder if it would not be better if we benefited from what we know of the Rhodesias which have very much the same problem within the tropics.

It has also been brought to my notice by the same radio expert that the money we obtain from radio licences is approximately £30,000 a year in Kenya; yet the radio people know for a certainty, through the imports of radios and through the servicing of radios, that there are approximately 150,000 radios in service in the Colony. This, Sir, is a serious matter. We are losing something like £200,000 a year in the licensing of radios. There is an easy method of collecting this money—that nobody selling radios should be allowed to sell a radio without a licence and that nobody should be able to sell spares or do any maintenance work on a radio unless the licence for that radio is produced. I would have thought that that was a simple method of obtaining the money and I hope that when the Chief Secretary does reply he will explain to us why we are in fact losing that £200,000.

Sir, if I may just move to education, one small matter which is in the Sessional Paper is the training of African workers on lower supervisory levels. This will be started in Naivasha on the 18th of this month. I sincerely hope that, if the Minister of Education is going to speak, he will tell us what plans they have concerning increasing this type of education for the labourers coming off farms and semi-skilled labour who have a scant knowledge of English but who have quite a good knowledge of Swahili.

I would like to touch on two points concerning local government. One still hears complaints of the reception of Africans at provincial hospitals. I have a specific case which I will give to the Minister concerned in writing.

My other point, Sir, concerning local government is that UNICEF, who have been pumping in cheap aid, I think, in some instances, free dairy products, mainly milk powder, into Kenya, are, I gather, quite keen on giving a long-term loan to Kenya to set up a dried milk powder factory under the Kenya Co-operative Creameries in this country. I sincerely hope, Sir, that the Minister for Local Government will give this his utmost support by getting UNICEF to give him money to purchase from our own production rather than bringing in dumped American milk powder.

Sir, there is one point which was raised in June, 1957, and, although nobody has been worried about it, it does concern the Minister for Tourism. He may well remember that this House agreed on a policy of the progressive elimination of all forms of discrimination in hotels. June, 1957, is a long time ago and I often wonder if anything has been done about it since then.

Sir, if I may now move on to forests. The considered opinion, Sir, is that we are quickly coming up to a saturation point on softwood markets. What I would like to know from the Minister, Sir, is that I am led to believe by an expert from South Africa that the wood we are planting is the wrong softwood because it is difficult to process: in other words as our trees get older and bigger it will be difficult to process that timber to give it a lasting life, as against, for instance *F. batulum*, *P. tieda*, *P. radiata*, which I gather are planted mostly in

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South Africa and which are recognized as being of great value and of great growing strength. Also, Sir, I am led to believe, again by the expert from South Africa, that softwoods have got to be planted on a short haul basis and not on a long haul basis.

This brings me, Sir, to ask what is the position on our bastion forests, such as the Matthews Range. What is the position of the future programme on the bastion areas? Are we going to plant softwoods there or are we going to initiate a long-term policy of planting hardwoods?

Also, Sir, in conjunction with forests, we are getting now towards the end of the available cedar. We have the Fencing Ordinance coming in and I often wonder as we get more and more people fencing their land where are the fence posts to come from. At the present moment I gather that there is a plant in Eldoret which is turning these out at a cost of something like Sh. 3/50, yet the processing plant in South Africa will rail posts to any farmer anywhere in South Africa for Sh. 2/50. I am sure, Sir, that it is time for the Forests Department to have a look at the future of processing wattle and other softwoods. If we are going to run short of cheap hardwoods for general use and for farming use I would have thought that a processing plant would be well worth while looking at—not only processing for the farmer, but processing parquet flooring, etc. Why cannot they make parquet flooring out of wattle timber as they do in South Africa, and treat it, and give it a 30 years' guarantee? Our cedar posts do not last 30 years.

Sir, just before moving on to agriculture I would like to touch on airfields. Here, Sir, I must declare an interest. Malindi Airfield has had approximately £20,000 spent on it over the last year or so but it is still not up to the condition which an airline requires to run a scheduled service. It is in fact a dry weather aerodrome. I am told by experts, Sir, that expenditure of £30,000 would put a black top on Malindi Airfield. I often wonder whether it was worth while spending the £20,000 to make it a dry weather airfield. Would it not have been better to have spent £30,000, to have added some more money to the original

amount spent, to have given it a black top in the first instance?

In connexion with that I would say a few words concerning the Mombasa Aerodrome. You have this very nice hotel built at Mombasa and I am beginning to wonder how you are going to get the tourists to Mombasa with the aerodrome there only capable of taking aeroplanes up to 80,000 lb. in weight. With these big jets which are now coming into service you are going to get more and more charters and charter companies operating with four-engined aircrafts. These cannot go into Mombasa. It is obvious to us all that when our own airlines get Comets the four-engined aircraft will, most likely, go into local interterritorial services. At the present moment they cannot utilize Mombasa. We know that the Comets are due in about 18 to 20 months' time. But is the Mombasa Airfield going to be ready by then to take our own interterritorial aircrafts? If they are not, and if we have to continue operating with our own Dakotas, it looks pretty obvious to me that our local airline will have to come back to the local territorial governments for money to keep the smaller aircrafts going uneconomically against the big ones. Also, Sir, there is direct traffic now between Ndola and Mombasa and if the Minister for Tourism continues to push the big game fishing and other attractions of our coast I think he had better enter the battle in attempting to get the Mombasa Airfield up to a decent standard.

Now, Sir, I would like to turn to pure agriculture and deal first of all with water. One of the points raised in the Seasonal Paper is worrying a lot of people. Are these great irrigation schemes of ours at Perkerra and Tebere really economically paying propositions? Now I appreciate, Sir, that when they were first thought of we had more money than we have got now, and we could look at the political side of it. I am beginning to worry, if these are not political gambles rather than economic matters, especially when we are so short of hard money as we are now. Also, we are running into the new development period on water and I was wondering if consideration is being given to the damming of tapering streams. We have benefited terribly by the putting in of piping schemes on these tapering rivers.

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Now, Sir, anything to do with water needs a tremendous lot of work before the blueprints come out, and I would like to know from the Minister whether there are blueprints now coming forward so that when the time does come and we have money available we can go straight into the water schemes. I know that we have had water consultants on the Kano Plain Scheme, but I am wondering about the others.

Sir, cannot ways be found of turning over money quicker on these water schemes? In that connexion, Sir, may I come back to the two vast schemes of ours, the Perkerra and the Tebere schemes, which have absorbed so much of our money. With limited funds available, Sir, I think that we should see that the money is spent to the best advantage economically and not politically.

If I could touch on one or two other items concerning agriculture, leading up to the main problem of marketing, there is now a large movement into sheep which makes me wonder about the future marketing of mutton—not so much of lamb—but of medium-quality mutton. I appreciate that the Federation needs mutton badly. That leads me to wool. I wonder how much interest we are taking in our local industries which are now starting to operate, namely the blanket factory in Nakuru which could absorb a tremendous lot of wool.

Now, Sir, because of lumpy skin coming into the country and the great difficulty in moving stock, more and more people are thinking of going in for veal. At the moment it is very difficult to get veal from up-country to the Kenya Meat Commission for the simple reason that it only takes veal in truck loads. The ordinary small mixed farmer who used to sell beef stock finds it rather difficult to fill a truck. Also a number of the food-stuff people are turning out cheaper foods. Again, I foresee some difficulty in the marketing of veal.

Now, Sir, the interest rates for agriculture under our development loans from the Settlement Board are very high at the moment. I gather that they are now pushing them into various channels. One at the moment is beef. We well know, Sir, that the Kenya Meat Commission's factory at Athi River has a capa-

city and that capacity has been reached. I am just wondering whether we are looking at the picture correctly in pushing further money, say, into beef, or even maybe into dairying, because we do appreciate that the position of the dairy industry is difficult. It is the marketing side of that which worries me.

Now, Sir, one of our breweries here in Kenya absorbs a lot of malting barley. The other breweries do not touch any of our malting barley at all. In fact they are importing at the moment approximately 60,000 bags of barley a year. I wonder if this could not be looked at somehow or other. Either a cess should be put on imported barley or perhaps some method of getting the breweries to take our malting barley could be found. Again, Sir, I think that is a marketing problem.

Then, Sir, we run into the difficulty of the potato industry. Aden, which is just next door to us, absorbs 3,000 tons of potatoes a year, of which Kenya only supplies 5 per cent. The price is a very good price. It works out at about Sh. 20 a bag all round, f.o.r. Nakuru.

Then we come to Mauritius where Kenya supplies 2 per cent of the 4,000 tons of potatoes a year, the other countries being South Africa (about 60 per cent) and Japan (about 25 per cent). Again, that price is something over Sh. 20, f.o.r. Nakuru.

Now, Sir, we well know the difficulty that our pig industry has run into, with a deficit of nearly £500,000, and we know that the dairy industry has an overdraft, passed by this Council, of nearly £100,000, and I wonder, Sir, again, pertaining to marketing, with a Government who push out money under development loans, the Swynnerton Plan, various policies to the Agricultural Department, propaganda through the Press, through the various journals which we have, also through the stand at the Royal Agricultural Show; and also there is a great deal of development that must be taking place in the African areas; I wonder whether the Government is dispersing its efforts. I admit, Sir, it is up to each industry itself to make an effort but I do think, Sir, that it is Government's responsibility ultimately to look after the marketing of the farmer's produce. Everything revolves

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sound Government policy, Government propaganda and Government money in the developing stage, therefore, Sir, it is their responsibility to watch exports and to see that their markets are well served.

Now, Sir, what I have been leading up to is this—and it is a scheme which was first envisaged by, I think, a Minister now sitting on the other side—and it has been put forward by the Chairman of the Kenya Meat Commission—and that is the development of a company with a great lot of Government interest in it, namely the East African Products Limited. At the present moment, what happens when our agricultural stuff is marketed, is that each industry in years gone by had their own agents in Kenya. Then they found that it was far more lucrative for them to look after their own sales in East Africa. Most of the industries have gone ahead and done this, either in conjunction with others or they have hived off completely, and on the whole they have benefited. What happens in other parts of Africa outside our own East African territories? They operate under agents. Now agents should, Sir, normally operate for say a two or a five per cent cut on the commodity they sell, but one of our main industries in Kenya have formed, Sir, that part of the articles that they were offering for sale were sold by a London firm and sold forward to a firm in Germany. The principal fact is correct, but the figures I am giving are just as an example. The item was sold at eight pence a pound. This company took off its commission, and unfortunately when it sent the bills of lading and so on back to our industry here in Kenya, attached at the back, by error, was the invoice of the company in Germany, which had added three per cent more than they were charged by our industry. So in fact they were merchandising as well as acting as agents, and I think that more than one of our industries is suspicious that that is happening.

Now, Sir, I feel that the five perishable industries—the dairy industry, the pig industry, the meat industry, the poultry and egg industry and the vegetable and fresh food industry—all these are perishables, Sir, and need a

certain amount of refrigeration—could, with Government help, form themselves under one head under a company, whereby that company could operate not only within Kenya but, if a lot of items were being sold in Germany, they could operate in Germany under perhaps a subsidiary company with their own man from Kenya—perhaps a managing director or main executive.

What has happened in fact, and why has this been brought forward? A Member of this House one day wanted to contact the salesman of the Kenya Meat Commission, and he was told that the salesman of the Kenya Meat Commission was in Kampala. He then got a whisper that some of the other industries might have been in Kampala, and he rang up two other industries and both their salesmen were at the same time in Kampala. That gives an example of the waste of money in the way we are attempting to market our stuff now. I think it is completely wrong that each of these industries should attempt to run their own separate sales organization in East Africa, and I think it is up to Government, Sir, to take this in hand and perhaps give a lead in setting up something along the lines which I have given.

Now, Sir, if I may give one or two examples and build up to another suggestion, and that not losing sight of either marketing or the tremendous development which is going on in African areas, Sir, it is beyond me why year after year Government are taken to task on our great number of large agricultural boards and committees, if nothing is done about it, Sir, to do all that is humanly possible to reduce the numbers and sizes of some of these large boards of ours: the Board of Agriculture and all its many committees and sub-committees and production committees; the Kenya National Farmers' Union, again with all its various committees and sub-committees; the Cereals Board; all with vast numbers of people on. I will give the example which I gave two years ago. I think 18 months ago, that one of the most important boards in the country, the Water Apportionment Board, is one of the smallest boards in the country and does, in my opinion, an excellent job. I think its membership is four or five. Yet we have a board like the Board of Agriculture with—and I

[Lt.-Col. McKenzie]

think we have a member here—I think it is 34 or 35. Now, Sir, they obviously are not working—these boards—because we have the pig industry, which collapses on us without us knowing about it, and I think the whole of the set-up is wrong, Sir, whereby a statutory board can go along and operate on its own without our Minister knowing what is going on. It is obviously a left-over from many, many years ago, and of a build-up from the war and the post-war boom. Look at the dairy industry. They ran into trouble, but I gather most of us knew about it; but I think the pig, one of the great example, and they are indebted now to something just under £500,000, yet six months ago none of us in this Council knew it was running into difficulties, and I do not think the Minister did. Surely we ought to give the whole of this set-up fresh thought.

Then, Sir, I come to the Guaranteed Minimum Return, commonly known as the G.M.R., which is still going on and we still read court cases in the newspapers of people being prosecuted for abusing this privilege. Our cereal crops fall under the Guaranteed Minimum Return at the moment—maize, sunflower, wheat and oats—yet it is beyond me why it is that grass leys and sheep and cattle cannot fall under a Guaranteed Minimum Return. If some system could be thought of under which a Guaranteed Minimum Return could help in those industries, if anything went wrong with those industries the Minister and the Government would know straight away.

Again I come back to the point—are our methods correct in this Guaranteed Minimum Return? A lot of people right through the country are very concerned about it.

Then, Sir, the Kenya National Farmers' Union, which they maintain represents approximately 50 per cent of the farming community. I am beginning to wonder—should our National Farmers' Union not be a powerful licensed body in the industry as it is in the Rhodesias, where it has been proved most successful and proved a most useful set-up for both Government and the use of the Minister. I do not know, Sir. That is one of the questions that I should like to know.

Now, Sir, when we hear about the maize industry and we hear about the pig industry, we hear hearing the word "quota". After all, we are a young country and we must expect to survive. Are we correct in thinking along a quota system on any of our industries for a young country like this? The Pyrethrum Board used to run a quota system. They still do, but they have taken a surge forward on the sales and marketing side and I gather that that quota may quite easily go by the board now.

Also, Sir, for many years we have attempted to turn out quality. Are we correct in continuing to turn out quality at great expense, when in a lot of our industries we can turn out quantity of a lower grade and far cheaper—in fact far more beneficial to the farmer? I do not know. Some people like driving Rolls Royces if they can afford it; others can only afford a Ford.

Then again, Sir, there are countries like Italy which are tremendous pork consumers. They like the second quality pork, because they like the fat on it. Which is correct, Sir, I do not know. Should we specialize in our farming, Sir, or should we go in for mixed farming? The Australians and New Zealanders have proved that they prefer specialized farming, not mixed farming. Are we correct in keeping to mixed farming? Should the recession have hurt farming as much as it did in this country? I do not know.

Sir, I think that we have been boosted along under an impetus which started in the war and has been carried on because of continual political pressure, and we have not really had time to get down to thinking where we are going. I should like to ask the Minister for Agriculture whether he does not think the time is now opportune for us to have one or two people from overseas, with vast experience, to look at our agricultural picture as one great problem, and who could advise us and tell us whether we are going along the right lines or whether we are going along the wrong lines. In saying that, I do not think we want another Troup Report. What we need, Sir, is one or two people of great decision who could come and tell us whether we are on the right lines or not. We may be on the right lines—I

[Lt.-Col. McKenzie] round Government policy, Government propaganda and Government money in the developing stage, therefore, Sir, it is their responsibility to watch exports and to see that their markets are well surveyed.

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[Lt.-Col. McKenzie] do not know—but to me as an ordinary farmer it seems we are running into too many difficulties to be on the right lines. I would like to help with it as much as I can, but I do not know the answer and I doubt whether there is any farmer in this country who knows the answer. I think we are a little too parochial.

Sir, I feel that I cannot end without referring to the speech yesterday by the hon. Member for the Central Electoral Area, when he spoke on maize. He doubted, Sir, whether the African maize production was, in fact, unreliable. Sir, with your permission I should like to quote him a few figures which for once and for all time ought to remove that doubt. The year 1952/53, the exports sales—and that means the sales out of the native land units and out of the European farming areas—the figures I am quoting—going into the towns and into other areas—1952/53; the European surplus was 637,000 bags; the African 738,000. 1953/54; European had gone up a little—784,000; the African one, Sir, it has gone beyond all belief—1,400,000. 1954/55; they were roughly the same in both areas. 1955/56; there was a steady increase in the European—800,000; the African one was down to 600,000. In four years' production, Sir, we have the difference in round figures from one year, 500,000 bags, to another year, 1,500,000 bags surplus in the African areas. How he thinks that is reliable and how he thinks anyone can stabilize the local industry with great variations like that, is beyond me.

One last point, Sir, I would like just to touch on the point raised by my hon. and learned friend, Mr. Nazareth, who was talking about sitting on the fence and putting gates in fences, and I should like to answer him as a farmer. If I put a gate in a fence, it is not to go into the paddock on the other side. I utilize that gate to go to and from—out of one pasture and back to the other. Whether he wants to utilize the gate for the same reason of going to and from, or whether for sitting on and falling into either side, I do not know.

I beg to support the Motion.

MR. MILLER (Director of Education): Mr. Speaker, Sir, I have noted with great interest and, if I may say so, encourage-

ment the emphasis which was laid both in His Excellency's Address and in the Sessional Paper on the development of secondary education and teacher training in this country. In the short time that I have already been in Kenya I have been very greatly impressed with the progress that has already been made with primary education. It is true, I believe, that taking the average over the whole country, no less than 85 per cent of African children of primary school age are in fact attending school. That is a figure, Sir, which is far higher than has been achieved in any other African territory, and to me it is a figure of which I think Kenya may be justly proud.

But progress of this kind, of course, brings difficulties in its train. Education is a snowballing progress. The more people you get through the primary stage the more people who want to go on to the intermediate stage; and the more people who finish the intermediate stage, the greater the demand for secondary places. It is for this reason that I do welcome this emphasis laid on secondary expansion in the near future. I feel, Sir, that with the financial difficulties which we are experiencing, we shall not be able to develop at all levels of education to the extent that we would like, and I do suggest, therefore, that in view of the extent to which primary education is now provided we may well have to hold back on primary development, except in the more backward areas, and concentrate on the sources of intermediate and secondary expansion. Teacher training, of course, is of prime importance as without the production of trained teachers we cannot have an efficient teaching system. I would also like to refer briefly, Sir, to plans for the Nairobi Technical Institute mentioned in His Excellency's speech; I attach great importance to the establishment of this technical institute and I am very glad to be able to tell hon. Members that plans for its building are well advanced, and I hope that it will be built during 1959 and that the first pupils of all races will be admitted to it at the beginning of 1960, if not before. I think the establishment of this institute, Sir, will do a great deal towards providing further education for those people who do not get it at the moment from other fields of education.

[Mr. Miller]

The hon. Nominated Member, Mr. Mohindra, was worried about the position of the acting headmasters of Asian primary schools. He seemed to think that they were going to be left out in the promotion race. As Members are aware, Sir, there is, of course, at the moment an embargo and we are unable to fill a number of vacant posts in the Department. I can assure the hon. Member, however, that when the time does come to fill these places the claims of these teachers, who are at the moment acting in these posts, will be considered, and that, by acting in these posts, they are not in any way out of the promotion stream. It is still open to them, if they wish to do so, to apply for promotion on the secondary side, though the fact that we have already promoted them as acting headmasters on the primary side does show that, in our view, they are better fitted for primary than for secondary positions.

The hon. Shiekh Mahfood naturally stressed his interest in Arab education and it is an interest which is fully supported by Government. I was rather surprised, however, to hear him say that at Mombasa there are 400 Arab children looking for primary places and hear him asking for a second Arab primary school. I myself have recently visited Mombasa and I was most impressed by the present Arab primary school. I was assured when I was there that despite the fact that at the moment it accommodates not only the primary classes but also two secondary modern classes there are, in fact, no boys seeking admission. I think perhaps the hon. Member may have been thinking of some perhaps rather elderly gentlemen who missed the educational bus in their youth and want to jump on to it now at rather a later stage. If he were here, Sir, I would like to suggest to him that that jump would not be in the interests either of the elderly gentlemen themselves or of the present students at the school.

I should invite him, however, if he were present, to let me know of any special cases known to him and I would, of course, be prepared to consider them.

The hon. Specially Elected Member, Mr. Muchura, referred to the question of higher school certificate classes which he

was anxious should be started at at least four African schools. I think, Sir, there has never been any hope that these classes could be established in Kenya before 1960; unfortunately, in the financial climate now prevailing, I doubt very much whether even that target can now be achieved. I would like, however, to assure the hon. Member that in the other East African territories I do not think any decision has been made as yet as to which year it would be possible to start these classes. A conference of East African Directors is, in fact, being held next week and this point is coming up for discussion. I can assure him that I shall do my best to see that Kenya is not left behind in the race.

The hon. Member also spoke, Sir, about adult literacy and asked whether a special report would be available on this. I think adult literacy has been regarded as a normal activity of the Education Department and I would reply to him that its development is normally reported upon in the annual reports, and I have heard of no suggestion that a special report should be prepared. If, however, the hon. Member would like further information, I shall be very pleased to give it to him outside this House.

The hon. Mr. Jamidar, the Member for the Central Electoral Area, in the course of his remarks about the evils of racialism suggested that no Government or grant-aided schools should be mono-racial. In this connexion, Sir, I would like to refer to the Minister's statement which was made in the last Budget debate, when he said that it was the intention, so far as Government schools were concerned, to continue to run such schools on mono-racial lines and to devote the greater part of our limited capital expenditure on the construction and improvement of mono-racial schools. At the same time, Sir, the Minister recognized that there is a degree of demand for multi-racial or non-racial schools and he referred to one which is already in existence and to the distinct possibility of several others in the near future. If such schools apply for grant-in-aid as multi-racial projects, they would, in addition to the general conditions which have to be fulfilled by grant-aided schools, have to guarantee

[Mr. Miller] that attendance at them would be wholly voluntary in the fullest sense of the term.

This is a very delicate subject, Sir, and I would like to conclude my remarks upon it by repeating the Minister's statement that no one who has the best interests of our children's education at heart would wish to thrust the whole subject into the maelstrom of racial politics.

The hon. Member also asked why it was that there was not one examination for all races at the Kenya Preliminary stage. I was rather surprised to hear him ask this question because in the next breath he expressed great dissatisfaction at the number of Asian pupils who now succeed in passing their own examination. I would have thought he would have realized that if they attempted to pass an examination based on a syllabus in which they have not been taught, their chances of success would be even more gloomy than they appear to be now. I would like to assure him, however, that syllabuses for primary schools of all races have been under review since the beginning of 1957 and it is our aim to bring these syllabuses into line as much as possible. There is one subject, for instance, arithmetic, in which a common syllabus might be quite easily brought about. Common examinations need common syllabuses. Common syllabuses take quite a long time to establish. But I would repeat that moves are being made in this direction.

The hon. Member also asked, Sir, for figures showing the proportion of trained and untrained teachers in schools of the various races. The figures I can give him are: in European schools, 75 per cent are trained and 25 per cent are untrained; in Asian schools, 47 per cent are trained and 53 per cent are untrained; in Arab schools, 57 per cent are trained and 42 per cent are untrained; and in African schools, 74 per cent are trained and 25 per cent are untrained.

I would also like to point out to him, with regard to these Asian figures, that this proportion of trained to untrained staff in those particular schools has doubled during the past three years. I would also remind him that we hope that, if and when the embargo is lifted, all our vacancies for Asian teachers next year will be filled by locally-trained

teachers—which I think is a very good move forward.

Finally, Sir, the hon. Member asked for figures of expenditure per child of each race. That, Sir, is a very difficult figure to work out because it is almost impossible to decide how much overhead charges, administration, inspection, etc., you should, in fact, allocate to each child. I therefore cannot give him an accurate figure; I am afraid I can say no more than that all the details of the expenditure are in the Estimates and the hon. Member, I think, could find the information from that book.

If I might return for a moment, Sir, to a question asked by the hon. Sheikh Mahfoud, I forgot to point out that he did stress the importance of the employment of teachers in Arabic and asked when such teachers would be available. The answer, Sir, is that one Arab student is studying in London, particularly the teaching of Arabic, and we hope he will return to this country as a graduate for employment in a secondary school next year. Two other Arab students are studying science and mathematics in England and they also will be employed on their return.

As to the employment of Arabic teachers for primary schools, my hon. friend the Lwali for the Coast did suggest to me when I met him at Mombasa that there are several Arabic speakers who, whilst not trained teachers, could usefully be employed to teach Arabic in primary schools. I welcome this suggestion, Sir, and as soon as I have the details of the two or three men he suggests I shall put it to my Minister for his consideration.

Finally, Sir, the learned Member for the Central Electoral Area encouraged me at the start of his remarks on education by saying he did not propose to say anything about the Woodhead-Harper Report; unfortunately, however, having said that, he then proceeded to speak on it at great length. I felt inclined, after hearing what he said, to accept the rather gloomy view expressed later by the hon. Minister without Portfolio, that it is quite clear that Government and the hon. Mr. Travadi would never come to any agreement on the problems of Asian education. I do not wish myself, Sir, to waste the time of Members in speaking about the Harper-Woodhead Report

[Mr. Miller] now, when it will obviously come up for debate later. I would venture, however, to point out that this report yesterday had its first consideration, so to speak, by members of the Asian Advisory Council and I would like to state that I was very impressed by the co-operative spirit in considering these problems which was shown by the members of this new Council, including if I may say so, the hon. Mr. Travadi. I therefore do not feel so gloomy about the future in this respect as I did at one time.

With these words, Sir, I beg to support.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Speaker, I should first like to reply to various points which have arisen during the debate with regard to hotels. The first arose from a question from the hon. Member for Mombasa, who unfortunately, and I know, unavoidably, is absent from Council. In order to reply to his question, I think it is necessary for me to give a short statement with regard to the present position concerning the Hotel (Minimum Standard) Regulations to which he referred. The position is, Sir, that after several years of consideration these were published some four months ago and, as Members will know, the Council of State, after examining these, found that they in some ways were a differentiating measure. Now this arose—and I say straightaway that there was some substance in their contention—through the fact that during the period of consideration of the Hotel (Minimum Standard) Regulations, by law, African hotels were excluded from any such regulations; but it was later decided that it would be far more preferable if all hotels in the country were included in any new legislation, and therefore there was still further substance in the contention put forward by the Council of State. I discussed this with them. The matter is now being reviewed by the Central Hotel Authority, and I have reason to believe that we shall be able to reconcile the views of the Council of State with those of the Central Hotel Authority.

It is in their hands—the hands of the Central Hotel Authority—at the present time, and therefore I cannot say exactly what their recommendations are going to

be but they have submitted already memoranda containing their proposals for criticism to Provincial Commissioners, to all local government bodies, to hotel subsidiary authorities, and, as I know the hon. Member who put this question to me has a particular interest, I have already, since yesterday, asked the chairman of the Central Hotel Authority to send copies of these memoranda to him, so that the hon. Member will be fully informed, and will be able to give us what I believe will be his very valuable comments.

The object of the Hotel Regulations will be primarily to improve conditions for the people who use the hotels, be they tourists or be they residents of Kenya. The intention of the Central Hotel Authority now is to grade hotels right from the highest to the lowest so that there will be no hardship whatsoever on any type of hotel. All will be able to operate so long as they fall into one class or another. It will stimulate them through competition, and I believe that it will have a very beneficial effect on the hotel industry throughout the country.

The hon. Member for Mombasa asked whether they would, in fact, have the effect of tariff control. My reply to him would be that in my personal opinion it should not be. It is bound to have some effect on the prices charged, quite naturally, but I do hope the principle of supply and demand will be the main one which will fix the charges which are made by the hotels.

The hon. Member proposed to me a very pertinent question with regard to the supervision and inspection of the hotels and he referred to the subsidiary hotel authorities. Now we do believe that it is possible that these subsidiary hotel authorities are a relic from the past which are now outmoded. Since they were designed, we have developed a pattern of local government practically throughout the whole country and I believe that it may well be possible to request local government authorities to form committees which would obviously co-opt members from outside the councils themselves and who would probably be members of the existing subsidiary hotel authorities to carry out this function which they already exercise in respect of bars and restaurants. I think

[The Minister for Tourism and Common Services] that would be a logical development, which is having the consideration of the Hotel Authority and of local government authorities at the present time. It would make for economy, which is a very necessary factor in considering this, because the local government authorities already have the officers who are required for this purpose.

The hon. Member paid a tribute to the East African Tourist Travel Association on the work it carried out promoting the conference of the General Assembly of the Alliance Internationale de Tourisme which recently took place in Nairobi, and he paid a well-deserved tribute to Mr. Matthews. To Mr. Matthews's name I should like to add that of Mr. Gillis of the Royal East African Automobile Association, who were the hosts of this General Assembly. He did a vast amount of work which unexpectedly fell on his shoulders, owing to the unfortunate death of Colonel Fitzgerald.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I would, Sir, just like to add a few words about the hotel industry in general. There is a certain amount of despondency at the present time because—we must face it—there is a recession. There has been a recession for some time. But I believe that they are only suffering temporarily, and I would ask them to maintain their courage and enterprise because I believe they are on the threshold of a big boom. It is always in times of recession when people of vision can lay the foundations of prosperity, if only they can see through the gloom, and I do say to them now that now is the moment for them to take this step. There is not the only industry which is suffering from the present recession. The agricultural industry is suffering perhaps worse and it will probably take longer to recover than the hotel industry. For that reason, I do urge them not to be too depressed. There are definite indications that there will be a very increased influx of visitors to this country; there is no doubt whatsoever about it. And it is they who will

bring prosperity to the hotel industry. I would say that the present time is the time to build and plan for the future; building costs are perhaps lower than they have been for many, many years. There are other factors as well which should assist them in consolidating their position. If only they can hang on for another year or so, they will not regret having invested in the future.

My worry at the present time is with regard to accommodation in the very near future for the numbers of tourists who we know now to be coming to this country. I shall deal with that later on in greater detail.

In planning for the development of the tourist industry and the hotel industry, we must always be looking at least two years ahead, and I would ask those who feel that their hotels are big enough to consider the position not now, not tomorrow, but they must consider what it will be by the time they could have completed the construction and enlargement of their present buildings, of a year and two years ahead. I base my prophecies that they will have very much increased business largely on a new and very important development of the tourist industry, that is, the inauguration of what are known as air package tours. You will have seen in the papers in the last few days that the Hunting Clan Line propose to start in this business, that they will be sending out every fortnight some 50 people. Other airlines too are starting this. One already has started it. This is going to bring a tremendous flow of people into the country, when you consider that anyone in Europe will be able to come out here for two weeks' holiday by paying £20 down. They have now gone on to the instalment system, whereby they can pay £20 down and the rest on the never-never or the sometime principle. You can see what effect that may well have on the flow of tourists to this country.

Now, I would like to add a word with regard to the effect of this on the scheduled airline services. Some people may feel that it may conflict with the interests of the established airlines and the scheduled services which they run, but this is not so. I would emphasize that to the people who are initiating these services are themselves running at

[The Minister for Tourism and Common Services] the same time schedule airline services. They know they will be tapping a different source of passengers from those who are going by the more expensive, normal scheduled services.

Sir, I should like to say a brief word with regard to the national parks and the lodges. Here I must be careful not to poach my hon. colleague's game but I am only referring to the tourist amenities which I hope will be increased in his parks and in the parks which are the trust of the trustees. Now, in the very lovely report which we have just received for 1957 there are some beautiful photographs but there are no photographs of lodges, and there is very little reference to the tourist aspect of the game within our national parks. I do hope that in future we may see pictures of beautiful new lodges and the existing lodges and more reference to the amenities which can be provided for them.

There is only very brief reference, having passed over the pages where the Trading Account is mixed up with the Balance Sheet owing to a mistake by the printers, on one page where it merely states what the accommodation is, what dates will have to take there, and the dates when they cannot go there. I do hope that more emphasis will be given in the future to the tourist side. Government does spend a very large amount on the maintenance, management and preservation of game and fish in this country, and Government cannot look upon that as a subvention; it must look upon it as an investment. I feel that we must do everything in our power to make a sound investment and get all the revenue that we can from it. I believe that here in Kenya, from the tourist point of view, we have what is a very well stocked shop of very high quality goods, but it has far too small a shop window. At the present time, we cannot get sufficient people into the game parks to see the game which is the primary attraction in this country. At the present moment, I have just received a report saying that one tourist firm alone in Nairobi has had to refuse 55 visitors in January because they cannot get accommodation in the game parks where they want to be. Ninety per cent of these

people who are coming, and coming within the next few months, are arriving in groups of 40 to 80, and therefore we have got rapidly to revise our ideas of the scale of accommodation, and how we are going to deal with parties such as those passing through our game parks and reserves. I would mention the Tanganyika National Parks, where they have increased the size of the lodge at Ngorongoro and it now has 40 beds, which is half the total number that we have in Kenya. That again is completely inadequate, and tourist agents here in Nairobi are unable to make bookings that they want to for early next year. This is a very serious position. I have had some discussions already with my colleagues on this side of Council and I hope that shortly, we shall be able to put some proposals which will, I hope, have been accepted by the trustees whereby the enlargement of these lodges can proceed apace. It is a really serious bottleneck in the tourist industry.

The hon. Member for the Aberdares—and I thank him for his encouraging remarks with regard to tourism, and I should like to say straight away that I am very interested in the development of his area from the tourist point of view, and I will do everything I possibly can so long as he will do one thing for me: that is, to correct his HANSARD, and remove the "P" from Thomson's Falls. He referred particularly to the development of the bird life on Naivasha. I had a meeting recently with the people of Naivasha, and they themselves have contributed quite a large area of land which they wish to make into a bird sanctuary. The Mountain Park Road, over which I went a few weeks ago, is, I understand, to be opened to the public, I believe, in January. That will be a tremendous attraction, and it will open the hon. Member's constituency with regard to tourism to a very great extent. There is I believe in today's paper, an article with some very beautiful photographs showing the route which will be opened up across the Aberdares by Mr. Alexander who is the Warden of the Mountain Pass.

One other point raised by the hon. Member for Aberdares was with regard to liquor licences, and he asked that the hour should be extended. I will next week discuss this with him, and we will go to my colleague, the Asian Minister

[The Minister for Tourism and Common Services] without Portfolio, who is responsible for this and see what can be done about it. It is a matter which has been raised by the Hotel Keepers' Association, and I am not quite certain whether they want to drink more after breakfast or before tea.

The hon. Nominated Member, Mr. Jackman, raised the question of the Vote for the Ministry of Tourism and Common Services; he said we seemed to be living on air. But I think he has already been answered by the laying of the Supplementary Expenditure No. 1 of this year in which he will see the Vote of this Ministry. It was unfortunate that we were unable to submit our Estimates in time for the Budget, but I think Members will realize that we required more than a month of experience to see what sums were likely to be required. I will not go into any details of this, because if Members wish to ask anything, they will be able to do so when this comes before Council next week.

The hon. Specially Elected Member, Mr. Bruce McKenzie, spoke about airfields, particularly at Malindi and at Mombasa. He said this was of interest to me. Mr. Deputy Speaker, it is of more than interest; they are vital links in the pattern of tourism. We have already had discussions among the Members of Government responsible and I am hoping that my colleague, the Minister for Works, may be able to give more detailed information when he speaks later in this debate.

The hon. Specially Elected Member, Mr. Bruce McKenzie, also asked me to give a progress report with regard to elimination of discrimination in hotels, a question which was debated in this Council in June, 1957. The Motion, most hon. Members will remember, was to the effect that this Council urges Government to take every necessary step towards the progressive elimination of all forms of discrimination in hotels, restaurants and public places. Most hon. Members will remember that debate. The Government accepted the Motion unreservedly and willingly. It was then generally approved throughout the whole of Council. The Chief Secretary, Sir Richard Turnbull, spoke at great length with his inimitable touch and he dealt

with many of the more difficult aspects of this. During the course of the debate, he said that this was a real grievance which was felt by the hon. Member, and it was a grievance which must be remedied. At the same time, he said these words: "In a country inhabited by people at widely differing stages of cultural and social advance, some degree of differentiation in hotels and restaurants is, I think, understandable and inevitable". But he went on, and I think crystallized what was in all our minds at the time; that is, that where there was differentiation, which, as he said, may be necessary to some degree, it should never be on the grounds of race. That was generally agreed by Council.

Now, Mr. Deputy Speaker, in my opinion, the process of social evolution between the races in Kenya has been particularly rapid. Some people, I know, feel that it is not fast enough, but generally that is because they have not cast their minds back a decade to see what things were like then. I have done so myself, and I believe that compared with other places in the world, this correct evolution is moving at a very fast speed. Government has set an example; it has set an example in the Civil Service; it has set an example in the police; a very notable example has been set by the East African Railways and Harbours organization, and similarly by the Kenya National Farmers' Union. Only recently, I think when first I became a Member of this Council, it would have been unthought of that members of the different groups should share platforms at public meetings. That is now a common and correct occurrence which is growing and increasing. I would also like to add that I have had in the last few months great support with regard to this progressive elimination of discrimination from the Hotel Keepers' Association. They have given unanimous support to any proposal I have put forward. I cannot claim, Mr. Deputy Speaker, in any way that this problem has yet been wholly solved. It has not, but I do in general believe that very steady progress has been maintained, and I would urge that steady progress is more lasting than any rapid jump.

I believe that the keynote of this advance has been in the words "courtesy" and "consideration". I think

[The Minister for Tourism and Common Services] a growing appreciation of the realities today—I do not say liberality, it is not liberality that I am asking for—I am asking for an appreciation of the realities of today. In many discussions that I have had with people on this problem with particular regard to the hotels, I have found universally a tremendous fund of goodwill, and a willingness almost everywhere to modify ideas which have sometimes been the ideas of a lifetime.

The question of legislation was raised during the debate to which I am referring and, as was pointed out then by the Attorney-General, legislation exists. Hotelkeepers are bound under common law to take in bona fide travellers, to give them accommodation and to feed them. But it is a problem, Mr. Deputy Speaker, which I feel will never be solved by legislation, but it can and will be solved by common sense. Elsewhere, we have seen unfortunate efforts and attempts to solve this question by legislation, only recently in the United States of America, and I believe that we are on the right lines in not using legislation, but in using a process of education and a growing appreciation of the realities of the time.

Mr. Ian MacLeod, the Minister for Labour in the United Kingdom, recently said these words: "I do not see how we can make men wiser or behave better towards their fellow-men by law", and that I think is a very wise statement which should guide us in the progress which we are making.

Mr. Deputy Speaker, where racial problems exist, they can almost certainly be resolved where there is interracial co-operation, and a common desire to solve them, where we have a common objective. During the debate in June, 1957, statements were made from both sides of this Council and from representatives of all communities, statements which were made with conviction and sincerity, that all must work together towards a better understanding. The Member for Nairobi Area—and I am sorry in some ways that he is not here today—said that the need to get better relations in this country is known. He also referred to the necessity for a change of heart. Now, that was the

spirit which permeated that debate. It was a spirit which impressed the whole country and which prepared the way and enabled the progress which has been made to be made. Recently, however, the hon. Member to whom I have referred, the hon. Member for Nairobi Area, is reported as having referred in Addis Ababa to the "merciless sufferings which were being inflicted on the native Africans by the settlers". Now, the hon. Member cannot expect the red carpet to be laid out for him, he cannot expect to be *persona grata* in many of the areas of Kenya if his change of heart has gone into reverse and the hon. Member makes statements such as that. Statements such as that make it extremely difficult for Government to carry out the wishes of this whole Council in this respect. I feel that we need not, happily, attach great importance to this, because I think in this respect, his was a lone voice crying in the wilderness. I believe the wishes of the majority of this Council are still unchanged, and still were as they were in that debate.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

It is on this assumption that we shall continue, despite such nonsensical statements, to take every possible step towards this progressive elimination of discrimination.

I should now like to refer briefly to the speech by the hon. and learned Member for Central Area who made a most dynamic speech. I did not resent for one moment his hard hitting; I admired it, but felt that perhaps it was a little out of place in this Chamber. He did, for instance, give the devil—the European devil—his due where he felt it was deserved. But I felt that his psychology was poor. I felt also that his constitutional knowledge was scanty, and that he would have been much more effective had he made a logical approach rather than an emotional approach to the problems with which he dealt with great enthusiasm. I think that this Council is much more influenced by logic, by persuasion in logical form, rather than by a verbal "Blitz Krieg".

[The Minister for Tourism and Common Services]

The hon. Member did not mention tourism, but I wish to mention tourism to him. And I am going to ask him to do a small tour with me. I would like to take him to a place where at least 12 races are living together, completely in amity, though unintegrated. I would like to take him to this place, and I refer to some people who are much in the public eye at the present time; that is, the birds in Lake Nakuru. Now, I would hasten to say to him that I am not mentioning this in any spirit of levity. I am mentioning it seriously because I do believe that we can learn a lesson from those birds on Lake Nakuru. Each of those species lives its own life very happily, with its own traditions; each retains its own customs and its type of food. We can even carry the parallel further in that some of those birds have home leave. Some of them fly home to Europe every year. I am afraid I have not had the opportunity yet of asking Mr. Williams whether any go to India, but it is quite possible that they do. But in that Lake, each of those species lives, selects its own area according to its climatic needs and each according to the type of food which it likes. I would like to take the parallel to the extent of education, and I feel that mother duck would be very upset indeed if the young ducklings started to learn from the flamingoes how to make nests because they would be unsuitable. But they live, as I said, happily side by side. I do think that the lesson to be learned from this is that we must grow up with friendly evolution rather than by atomic revolution as the hon. and learned Member was proposing. I do think it is quite wrong to impose ideas by force. I think it is much more suitable that we should think up ideas, and sow them. Let them grow like a seed. Let us tend them while they are growing and then if it is a plant that is valuable, we shall all, without exception, accept it as our doctrine.

Mr. Speaker, I beg to support.

Mr. LUSENO (Nominated Member): Mr. Speaker, Sir, before I touch on some of the points mentioned in the Governor's speech, I would like to go back a little to the days of the war, in

1939 to 1946. I remember, Sir, during the last Second World War when we were faced by three common enemies; they were the Germans, the Italians, and the Japanese. We had at that time in Britain a very courageous Prime Minister, Mr. Winston Churchill, now Sir Winston Churchill, who used to encourage us by using the sign "V", which I was told meant victory. He used to say "Let us go forward together". That was very encouraging. We went forward together and our three common enemies were conquered.

Sir, in Kenya I feel we have also got some similar enemies, some of which are fear, the first one; and the second one, ignorance; and the third one, poverty, and there are many others which I am not prepared to mention.

I feel, Sir, that it is our duty as Kenyans to go forward together to fight and conquer these enemies. His Excellency, the Governor, during the course of his speech inspired us as Churchill did by calling the people of all races in this country to work together in harmony in order to build up a fine country. Sir, I hope that we shall all respond to this call if we really love Kenya, to go forward together and build a fine country to live in happily.

Mr. Speaker, Sir, this without hesitation is a country for the three races and without full and true co-operation, we shall not be able to solve our problems. We shall always be defeated, and we will be ruled by these three enemies, fear, ignorance and poverty. In his speech, His Excellency the Governor assured us that the Government Ministers were doing all they could in our different social fields to combat ignorance, poverty and these other enemies. Let us, Sir, as Kenyans, give the Government a hand in giving a fight to these enemies.

His Excellency the Governor in his speech quoted this statement made by the Colonial Secretary, Mr. Lennox-Boyd, and I quote: "The Government of Kenya must be in the hands of responsible people". Sir, I want to emphasize this statement. I know it was very well emphasized by my hon. friend on the other side of the House, Sir Alfred Vincent, and I would like to add this: that it is always a pride for people of any country to belong to a powerful

[Mr. Luseno]

government, a government in the hands of responsible people, a government that could defend the people and its country in times of trouble. This, Sir, I feel is the type of government we have in the Colony today, and I would agree with His Excellency the Governor when he said that we must encourage and increase the number of responsible Kenyans who participate in the Government.

One of the hon. Members on the other side of the House, Mr. Hassan, asked us what was meant by responsible people; the word "responsible" answers that question itself. We cannot accept irresponsible people in our Government, I feel the people whom we have today must be responsible people, responsible Kenyans.

Sir, due to some political agitation that has been going on in this country for some time, I have been very suspicious that Her Majesty's Government might at one time decide to relinquish its responsibilities to perhaps one or two of the races in this country, but Sir, this is now above suspicion, when I refer to His Excellency's speech where he said, and I quote, "I wish to make it clear that Her Majesty's Government has no intention whatsoever of relinquishing its responsibilities to all races in this country". Mr. Speaker, this is most encouraging, for it calls on all responsible men, responsible women of all races in Kenya, to come forward and take their responsible position in the government of their country.

Mr. Speaker, Sir, in accordance with His Excellency's speech I would like to pay my warmest tribute to the Minister for Housing and all those officers that are attached to that Ministry for the assistance they have given to the Government and above all to the African people. I hope this will be appreciated by the African community and by so doing that they will try to see that the second vacant seat in the Council of Ministers is occupied.

Some of the hon. Members on the other side of the House, Sir, have been going back referring to the constitution. We on this side of the House have from time to time said that the constitution must be given a fair trial and we still say so. We cannot judge the present con-

stitution before we try it. I am not convinced by such speeches that the constitution should be re-examined, that an expert should come to this country again to re-examine it, write a report, and a round table conference be called. I am not convinced, and I feel the House would join me in saying that we should give the constitution a fair trial. Then we shall be in a better position to speak on its weak side and on its strong side. We are all prepared for that.

I have from time to time told my friends that we were not prepared to have a French Government in Kenya, where a constitution is set up today, and tomorrow it is cancelled. We cannot have that.

Now, Sir, before I sit down let me say this. If the frog of Kenya could organize itself and win the frog races in South Africa—what is it as Kenyans that can prevent us from making long strides and winning in solving our multifarious problems in Kenya? Mr. Speaker, I beg to support.

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Speaker, Sir, I am very sorry that I am at the end of the time for this sitting. I am very grateful for this opportunity of associating myself with the thanks that are being moved in this House to His Excellency's speech from the Chair. To me, this speech removes three doubts from my mind. One, it reassured the Europeans, Asians and Arabs of their future. It reassured them that they should have confidence in their work for the future of Kenya. No one is going to be opposed to that when the confidence of the people is reassured, as it was in His Excellency's speech on Tuesday.

The second point was the reassurance given in His Excellency's statement on Jomo Kenyatta, especially after statements made by some of our Members here on Jomo Kenyatta. I am sure His Excellency's statement here will reassure the loyalists of their stability in this country and we could now go ahead and work for the future of this country without any fear of the reappearance of Jomo Kenyatta.

The third point, Mr. Speaker, was the constitution, and this touches me very heavily. It is not the Specially Elected

[The Minister for Housing] Members' fault that there was a deadlock in the negotiations that took place before this constitution was introduced, and I want to say here and now that the Specially Elected Members of this House take no responsibility for the deadlock that resulted from those negotiations, and I would like Members of this House, when they speak on the constitution, not to look at the Specially Elected Members as the cause of that deadlock. The Specially Elected Members came in as the fire brigade does when a house is on fire. When the fire brigade comes to put out the fire the responsibility of starting that fire does not go to the fire brigade.

Mr. Speaker, Sir, this may be taken in the lighter vein, but I wish to stop there and will continue when we resume.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): It is time now for the interruption of business and I therefore adjourn the Council until 2.30 p.m. on Tuesday next, 11th November.

The House rose at thirty minutes past Twelve o'clock.

Tuesday, 11th November, 1958

The House met at thirty-five minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 18

SIR CHARLES MARKHAM asked the Chief Secretary:—

- (a) The total cost to the Kenya Government of the visit of the Minister for Finance and Development to Montreal.
- (b) Whether representations were made to the East Africa High Commission that one Minister representing the various Governments should be sent to the Conference in question in order to save expense.

THE CHIEF SECRETARY (Mr. Coultts): Sir, I beg to reply:—

- (a) £678.
- (b) The question of representation at the Montreal Conference was considered by the East African Governments and the East Africa High Commission, and the Governments decided to send one representative from each territory.

SIR CHARLES MARKHAM: Mr. Speaker, arising out of the first part of the answer, would the Minister give us the breakdown of the figures? *(Sotto voce)* That's a fast ball.

THE CHIEF SECRETARY (Mr. Coultts): It is a fast ball, Sir, and I will only be able to play it off if he puts down another question.

QUESTION No. 60

MR. SLADE asked the Minister for Internal Security and Defence:—

- (i) How many vacancies for Europeans in the Kenya Police have been advertised since the 1st January, 1957?
- (ii) How many of these vacancies have been filled:—
 - (a) By appointment of officers already serving in some other capacity?

(b) By initial recruitment from East Africa?

(c) By initial recruitment from overseas?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): No vacancies specifically for Europeans have been advertised since the 1st January, 1957, as recruitment into the Police Force is according to qualifications and is irrespective of race.

European entrants to the Police Force usually have the qualifications required of Inspectors Grade I and are enlisted accordingly. Between January, 1957, and June, 1958, no vacancies in this rank were advertised, as all were filled by the promotion on transfer of officers of all races already serving in the Force in some other capacity.

Since June, 1958, there have been 97 vacancies in the permanent establishment of Inspectors Grade I. Of this number, none has been filled by officers already serving in some other capacity. Sixteen have, so far, been filled by local recruitment in East Africa, and 40 are in the course of recruitment from overseas.

MR. SLADE: Mr. Speaker, can the Minister tell me why so few recruits have been found locally?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I do not think it is so much a matter of so few being found locally, Sir, if the hon. Member would study my reply. What of course happened is that during the period when no vacancies were advertised, that is, between January, 1957, and June, 1958, we were in fact taking into the permanent force from contract inspectors who were already in the country. The explanation is in the greater part, that.

MR. SLADE: Is it not a fact that the recruitment which has taken place since June, 1958, which has resulted in 16 local recruits, was originally restricted to local recruitment alone, and 16 is the most you have been able to find there?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I apologize to the hon. Member. I am surrounded by so many statistics, I find it a little difficult to get around to them.

The answer, Sir, is that the total local recruitment was, as the hon. Member

has said, 16. That was the number that answered in reply to the advertisements.

MR. SLADE: My question was, why so few offering?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I am frankly not sure it is so few: 16 in a period since June, 1958.

MR. SLADE: Have you not moved over to recruitment overseas because you cannot get any more locally?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): It is a question of filling 97 vacancies, which is the answer I gave, Sir, and I think there is no real possibility of filling 97 vacancies locally.

SIR CHARLES MARKHAM: Regarding the answer to (ii) (c) of the question, Sir, would the Minister tell us whether the recruitment from overseas carried inducement pay?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): As the hon. Member is well aware, it does.

QUESTION No. 61

GROUP CAPTAIN BRIGGS asked the Chief Secretary when the report of the enquiry called for by this House on 1st March, 1956, to examine the origins, methods and growth of *Mau Mau* will be published.

THE CHIEF SECRETARY (Mr. Coultts): I expect that the enquiry will be finished by the middle of next year.

GROUP CAPTAIN BRIGGS: In view of the importance of the matter, will the Government undertake to take steps to produce the report at an earlier date in order to prevent the possibility of a further conflagration of the same sort springing up?

THE CHIEF SECRETARY (Mr. Coultts): I do not think the latter part of the gentleman's question follows on from the first part, but I am certainly not going to hurry up the report and thus in any way destroy its value.

SIR CHARLES MARKHAM: Will the Chief Secretary give an assurance that this House will have an opportunity of debating this report?

THE CHIEF SECRETARY (Mr. COURT): No, Sir, I can give no assurance of that nature because although it is the intention of the Government that the report should be in a form which could properly be published, it may not necessarily be in the public interest to do.

BILL

FIRST READING

The Control of Nets (Nyanza Province) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Resumption of debate interrupted on 7th November, 1958.

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Speaker, Sir, when Council adjourned on Friday, I had said something that made hon. Members laugh, and I did not realize what I had done because I was referring to the Specially Elected Members coming in to assist the constitution to go on like a fire brigade comes and puts out a fire which destroys things.

Mr. Speaker, Sir, His Excellency in his speech from the Chair touched on various points on the constitution which I would like to emphasize. One: I think it will be helpful to this House; two, I think the country must know what it is facing and what might result. The constitution as we see it has the greatest change which is referred to as the Specially Elected Members. That, I think, is a step forward for this House to start working and talking as a country and not as individual communities. When negotiating for a better constitution I think it will be reasonable for everybody in this House to realize that it is by giving that one receives; and it is by forgetting self that one finds; and it is by forgiving that one is forgiven. His Excellency, in his speech, indicated that the door was open and that the changes could come about only if there was negotiation in the true sense of the word. To me, that means that any demand that has a silent underlining demand of threat, violence and intimidation would

not be categorized as negotiation in the true sense of the word. Therefore, the move is actually to come from the African Elected Members, if I may put it that way. If they can show that they are willing to give in order to receive, then I am sure all communities in this House will support a move of that kind; but if it is underlined by threats, intimidation and violence, then I am sure they will find very few people to support them in this House or outside.

Mr. Speaker, co-operation gets more things done than a negative attitude, and I have experienced this in my own Ministry where I, as an African Minister, have got a Permanent Secretary who is a European, a personal secretary who is a European, and a few Asians and Africans. We are the happiest Ministry. I want to claim, existing in the Government of Kenya.

When I started in this Ministry I was then in the hands of a gentleman who acted as Permanent Secretary to me. He gave me all the support that was in his hands. I am receiving all the support that is available from my present Permanent Secretary and I would like to pay tribute to him in this House to show how much can be done with co-operation. I am sure that if we here worked the same way and showed signs of co-operation, a lot of things would be forthcoming for us and for Kenya. There is a willingness, I am sure, from the European side. They have shown it already by not insisting on their previous parity in this House. At the moment we have 14 Elected African Members and we have 14 Elected European Members. Is that not a sign of willingness on their part to come and negotiate for even better conditions for our existence in this country?

Mr. Speaker, one Asian Member, the Member for the Central Electoral Area, the hon. Mr. Jamidar, told this House when he spoke that the Asian hands were extended, that both hands were extended and awaiting the grasp of the other communities. I take it that he meant the Europeans and the Africans. I would like to warn Mr. Jamidar that if he is not careful the two communities might pull the Asians apart, using them as a tug of war. I would advise him not to extend his hands, his Asian hands, sideways but forwards.

[The Minister for Housing]

I have also received co-operation as an African Member of this House in the Council of Ministers from my colleagues. They have supported my requests, they have supported my views, they have co-operated as much as possible wherever we have been. If they can do that for me in the Council of Ministers then I am sure they can do the same to any African Minister, particularly the African Elected Members, in this House.

I would like now, Mr. Speaker, to touch on some of the things that have been touched on in this House. I want to thank the Member for Uasin Gishu very much for a very sympathetic speech to my Ministry. I would like to thank her for her sympathy, but I would like to assure her that Government is very, very keen and anxious to help this Ministry to find the necessary money that is required for the projects ahead of us.

Just now I am feeling the effects of a safari, a trip I made up-country to visit some of the local authorities to acquaint myself with the problem in the various local authorities. I find that the relationship we have established with the local authorities are so encouraging that there is a future in the Ministry of Housing with the various local authorities. With the little money we have I think we can manage to deal with the outside local authorities. When I say "outside" I mean outside Nairobi.

Looking round, Sir, I find that 70 per cent of my urban housing problem is in Nairobi, and therefore it falls on me to do something very drastic to meet this problem. We are at the moment having some talks and I think with the co-operation of the Minister for Finance and Development we shall come to some agreement and something will be done to bring our problem within a reasonable, and manageable size.

The hon. Members touched on adequate accommodation for families. Mr. Speaker, that is my policy. I think I have said once or twice that bed-space is a word that I do not want to hear about in any housing schemes and our policy now is to put up family housing and not bed-spaces.

At the moment when there is such a shortage of money we have to be very

careful when starting any projects that include property ownership. By that I refer to dwelling-houses for Africans in urban areas. There are a few who would like to own property and our planning has to be done in a careful manner so that we do not waste money building houses and find no people coming forward to take those houses. But it is definitely our policy to encourage Africans in urban areas to own property. The banks and loan societies will be helpful to them if they have property of their own in the townships.

One hon. Member referred to Parkinson's Law not being applied in the Town Planning Ministry. We also intend that this law should not apply in our Ministry and the hon. Member will see from the Supplementary Estimates that our Ministry is the smallest in the whole of our Government. We will try to find ways and means by which we can get our services carried out by co-operating with the other Ministries, local authorities, administrations, and getting things done, rather than by talking about things.

Mr. Speaker, mention was made of juvenile delinquency, prostitution, and so on. This problem is a serious one, Mr. Speaker, and it grieves me to talk about it in this House. This problem is a serious one. I had something to do with it when I was the President of the Abaluhya Association in Nairobi. So many girls come from up-country, so many wives who have deserted their husbands come for the easy money in the townships but find that the people who have called them or who suggested this idea to them were no longer interested in them. As an Association we had to do something, and it grieves me, Mr. Speaker, to say that it is very unfair when we put the blame on the girls and forget about the boys. It is our African boys, and in saying boys I include the men, that are the cause of the prostitution we see in the townships. No girl would leave her home to come to a town unless she knew that she was being wanted for by a boy. Therefore I would like us to stress on the men, the boys, who are the cause of the prostitution, that they are the cause, I am very sorry, to find that prostitution is only referred to in connexion with women and not in connexion with men.

[The Minister for Housing]

The Government is thinking about this problem and there might be a Bill that will come to this House for consideration. But as well as this Bill it is important that the women and girls themselves demand protection. It is no good giving them protection when they do not want to be protected. I call upon all African leaders, particularly the politicians, to get this idea across to our men as well as to the women. I feel that if we protect the European or Asian women then we have to protect the African woman as well. The African woman does not demand this protection but I think that we will have to bring it to her notice and make her realize that her future is not safe if she indulges in useless suggestions from careless and irresponsible men.

Mr. Speaker, Sir, money was touched on as well, and although in my estimate there is not sufficient to do what I would like to do to meet with the African housing problem, there are alternatives that we are looking at that might bring in some money. These alternatives are being considered and I would like to suggest to the hon. Mrs. Hughes that it will be taken care of, not from the Government finances but, we hope, from private sources.

One last point, Mr. Speaker, is something that was said by the Member for the Central Electoral Area. He said something to the effect that the Specially Elected Members were controlled by the Europeans on the Government and on the Unofficial side. I am sorry, Mr. Speaker, that I must refute that statement. I am not controlled at all by anybody, either on this side or on the other side, because I am a Specially Elected Member. I am sure the rest of my colleagues will say the same—that we are not being controlled by anybody as a group of Specially Elected Members. We say what we think is right. We have our liberal views and we express them without any fear, and it is up to the Europeans, Asians, Arabs and Africans to accept our views or to leave them. But we are in no way controlled by the Europeans on the Government side or the Europeans on the Unofficial side.

I have been having interviews, Mr. Speaker, with people of all races in

Kenya, and this morning I had an interview with an Asian. He came to me because I was a Specially Elected Member and he brought his problem which was nothing to do with Africans at all—it was a problem which concerned Asians. Now, Sir, if such a confidence can be established that any Kenyans could go to Specially Elected Members for a liberal decision on their problems then I think we are going forward, Mr. Speaker. I think that we should not be discouraged.

Mr. Speaker, I must stop here, because I have already spoken a little on Friday last and I therefore beg to support.

MR. SWYNNERTON (Director of Agriculture): Mr. Speaker, so far as agriculture is concerned, the main line that has been taken in this debate, as in a number of previous debates, has been in connexion with marketing. Marketing at the present time is one of the major worries of most of our agricultural industries in this country. There is the problem of handling the crops and there is the problem of getting them on to the markets. I do not propose to speak on that subject, Sir, because my hon. friend the Minister for Agriculture will deal with it.

Today, Sir, I would like to speak from the other point of view, and that is the production angle—the need for increased efficiency in production: the production of crops, cash crops, livestock and livestock products.

Although we may either be in or getting out of a recession, we have got to work in the future towards an expanding economy. We have got to work, so far as agriculture is concerned, towards prosperity in agriculture. That prosperity and advance has got to take place over the whole field of European, African and Asian farming. We cannot afford to have a section of our farming community lagging behind in its efficiency or in its prosperity.

One of our main needs in Kenya is to import wealth. We can produce up to a certain limit of produce that can be consumed within the country; we can only expand the internal market by expanding the wealth of the consumers in the country, whether they are agricultural consumers or whether they are urban consumers.

[Mr. Swynnerton]

If I could deal first, Sir, with European farming, farmers in the mixed farming areas are suffering from a drop in prices with the present recession. On the farms the only way they can deal with that is by studying all means for improving efficiency on the farm. In the chain of production, there are three main points at which efficiency can be improved: efficiency in production on the farms, efficiency in handling, processing and presentation to markets, and thirdly in the search for markets. In Kenya at the present time, it is estimated that the average output of the mixed farm—its gross output—is £4 per acre. On the best planned farms, the type of farms which win the Royal Agricultural Society of Kenya gold medal competition, the output per acre is something of the order of £20. There are many farmers, planned farmers, who are half-way between, but getting on up towards that level.

The hon. Specially Elected Member, Colonel Bruce McKenzie, the other day spoke about specialization; it is very essential in mixed farming to study the possibility of each enterprise on the farm and how each enterprise can be improved in profitability and, if it cannot be improved, how it can be eliminated and replaced by a system or an enterprise which is more profitable. That can only be done by the very close and careful study of accounts by calling in 'accounting specialists' and agricultural specialists to discuss those matters.

In Kenya, the farmer has to stand on his own feet to a considerably greater extent than in the United Kingdom. That is not to say that the farmer, whether he is a European farmer, an African farmer or an Asian farmer, does not receive very substantial support from the Government. But in the United Kingdom, the net farming profit is estimated to be somewhere between £250,000,000 and £300,000,000, and Government grants and subsidies to agriculture are almost equivalent to that amount.

In working-out the balance of farming, it is desirable to try to maintain a balance between crops and stock, in mixed farming production, not only to spread risks but because the growing of crops and raising of stock on a farm

are generally very closely inter-dependent; this is particularly so because of the great need these days to produce—as much stock feed on the farm as possible and to avoid buying in food if it can be produced economically on the farm. I know of a planned farm which in the last few years has reduced its purchased feeds from £1,000 a year to something of the order of £200 to £250 a year.

The use of the crops produced on a farm must also be studied, that is, whether it is better to sell maize surplus to internal requirements, at a price which fetches, say, Sh. 15 per bag, or whether it is better to feed it to pigs or dairy cattle, even though some farmers consider that it is not economical to do so. It requires very careful study. We have found on our experimental stations, until the recent cut in pig prices, that we were making a profit of about £3 per bacon pig, and those accounts were kept commercially. With the cuts, that came down to about £2 per pig. But we consider that we can improve efficiency on those farms and probably restore the profit per pig to something like £3 again. The use of these products, and the economics of their use, needs very careful study by the farmer.

In the case of livestock, where a farmer is not in proximity to a milk market, again the economy of production of butterfat requires careful study. It is more profitable to produce that butterfat at one season of the year when there is plenty of grass growing during the rains, or is it more profitable to spread it over the whole year and buy in food or put by reserve feeding stuffs? It is our opinion, technically, that the farmer would do well to consider spring calving and to get all his cows on to that system.

There is the need for economy by the use of mechanization, for economy in the layout of buildings, for economy in the use of labour—they all lie in. There must be efficiency in the use of labour. If self-feed systems for stock can be adopted, if buildings can be handled so that there is a minimum of products of produce, of stock, of milk products, can be feed and so on. Great economies can be effected. Not only that—and I am sorry to have to say this at a time when people

[Mr. Swynnerton] talk about unemployment—a farm can be run on a very much lower labour force than many farmers have been accustomed to in the past. Greater specialization on a farm, reduction in the number of workers on a farm, but improvements in their terms of service. If they could become specialists, a farmer could afford to pay them more, not only because of the output he is getting from them but because, also, he is not using so many labourers.

In this respect, the Agricultural Department—and I should couple with that the Veterinary Department, although I am only speaking for the Agricultural Department—runs its experimental stations on the basis of having an area for pure experimentation and then putting the results of that experimentation on to a commercially run husbandry farm, so that the advice which is taken out to farmers by the advisory officers, over the radio, through farmers' journals, is advice based on actual experience gained by officers in the districts.

Of the services that are provided and are available to farmers, in particular, I would commend the farm-planning services because those do help a farmer to get the correct layout of his farm, at least to discuss what are considered to be the most economic crops and stock to produce, and economic methods of doing so, and to discuss profit and loss. All those discussions are carried out with the wishes of the farmer in mind, so that his particular aptitudes may be supported or his particular wishes included if he does not agree with the technical officers.

One important aspect is the joint agricultural economic survey that is being undertaken at the present time on 120 farms in Kenya on the economics of production, jointly between the Egerton Agricultural College and the Agricultural Department. I think that the result of that survey—which will be out in perhaps a year or 15 months' time—will be of tremendous benefit to farmers in general, in that it will bring out the enterprises which are profitable, the practices which are profitable, the practices which are unprofitable. There will be three groups of farmers, the efficient farmers, making profits, the average farmers, making do, and the less efficient

farmers who are finding it a struggle to farm. I think that the result of that agricultural survey will be of tremendous benefit to farmers right across the Highlands.

What I have said, Mr. Speaker, of course, applies to African farming just as it applies to European farming. African farming must be developed on as fully economic a basis as possible. The African lands which are heavily populated are also productive lands and we have got to encourage the people in those areas to effect the maximum production that they can get from their lands; we cannot afford to have subsistence farming in this country; we must have productive farming, a system of farming which is contributing not only to the wealth of the individuals but to the wealth of the country.

Congratulations have gone out to all the people in the Central Province on the very good work they have done on land consolidation and I heartily endorse these. As far as agriculture is concerned, that is the beginning and not the end. It is very easy for us to win the land consolidation battle, but to lose the production year. We must get those holdings and farms, as quickly as we can, on to a productive basis. We all know the dense population problems but we must not at any time feel we can let the land become subdivided again back to subsistence level. We must work at the very least to a minimum economic level, that is, feeding the family and seeing that they get enough cash income to maintain themselves and to enable them to spend money in order to increase the wealth of the country and the commerce of the country. That is a matter which we must bear very much in mind in these coming months and years of economy. We feel and hope that we shall have the staff up to 1960, that is, the end of the present development period, but it is not an activity or a service which can be cut out at that time; it is a commitment which will have to go forward year after year, if we are to give the best advice and the best services to the African farmers who want to develop economic planned holdings.

We have found with planned holdings that it takes too much time to deal with the individual. In Central Province, where there are 200,000 African farmers,

[Mr. Swynnerton] with detailed farm planning it might take us several hundred years to get round all the farms. So we have got on to a system of farm layouts; that is, just giving the farmer the basic layout of where to put his house, his permanent cash crops, where to put his arable land, so that later on, when the farm planning teams come, they will have the pattern there and will not have to tell the farmer, "Your house is in the wrong place, your coffee trees are in the wrong place, your tea trees are in the wrong place".

In each area, a nucleus of farm planning is laid down, in order that the people who have farm layouts may have something to copy, so that the agricultural instructors may have somewhere to demonstrate.

One of the obstacles we have run into at the present time in this farming development is the shortage of money for loans to individual farmers in the African areas, where an African farmer has got his holding laid out, and he has not got the money to pay the labour to lay out his fields, to put in terracing, dig out couch, purchase improved cattle, coffee seedlings and so on. Our aim in the long run, we hope, is to develop export cash crops so that the African farmers can get their money for their future development from that source and so that from that source also they can service any loans they have taken. This is a matter which is being pursued very closely at the present time by Government and we have asked the International Co-operation Administration if they will assist us with a person called a "Rural Credit Technician" because we feel, if we get someone of that sort, he will be able to advise us what are our priority needs in regard to loan money and what matters should be either deferred or left to the farmer to deal with himself.

I would just like to touch briefly, Sir, on a few of the cash crops, particularly as they relate to African farming. I would like to start with coffee. I think that all Members are well aware that coffee has got into a dangerous position, through no fault of Kenya at all. I think it would have been the wish of the coffee planters in this country that the price of coffee stayed at a level that was economic to the efficient producer; I think in recent years many coffee farmers would agree that it has been well

above that level. From the point of view of the world, that has encouraged other countries to develop coffee in large areas, areas in which, had that economic price ruled, either they could not have developed coffee or else they might have gone bust. But, unfortunately, that has not been so, and particularly Brazil and Columbia have built up very vast stocks of coffee at the present time, something of the order of 20,000,000 or 30,000,000 bags—a year's supply in the world. Had the price been lowered some years ago, that excess production might not have taken place, consumption might very well have been encouraged and those very heavy stocks might not be there today.

While those countries are holding further coffee off the market in the coming year the situation, as I say, is being further aggravated, and it is a matter for warning all coffee planters that the bigger the stocks of coffee that are built up in the world, especially in Central and South America, the bigger may be the disaster we shall run into in a year, two or three years' time. I do say this, because I think also (and I think that the Coffee Board will arrange that this is done) all coffee farmers should be warned that they may be running into a period of difficulty, and that if they want to undertake further planting they must do that with their eyes open. I say this to the Africans as well as to anybody else. I believe however that if we go on maintaining a good yield and good quality that we shall be able to weather any storms of that sort, and it might be that a disaster of that nature might put out our competitors very much more severely than it would put us out of the running.

I would just like to say a few words on tea, Sir. Hon. Members may have seen recently that in Nyanza and Rift Valley Provinces a Tea Marketing Board was established. We have been fortunate to receive the assistance of a number of the leading tea companies in this country. They have agreed to purchase the green leaves off about 3,500 acres of tea in the African areas. That has been of tremendous benefit to our plans, because it has enabled us to go ahead without the immediate consideration of finance for factories. It has enabled us, where we think we can get money for factories, to

[Mr. Swynnerton] be able to consider siting those factories in areas away from existing tea estates. However it is a position we have to watch, to ensure that we do get money for tea factories in all areas over the next ten of fifteen years, and to plan certainly and economically, and we are at the present time in negotiation with various bodies who may be interested in coming in to finance tea factories, to manage tea factories, as commercially competent people, and we hope in due course that we will have success in this line.

Two other crops which have been in the doldrums over the last 18 months through difficulties in disposing of their surplus stocks—pyrethrum and pineapple—are in fact at the present time looking up somewhat, and there appears to be expanding markets which, while they do not give any opportunity for unlimited planting will, I hope, enable a steady expansion in the growing of those crops to take place. They are both controlled by Boards, and those Boards are controlling the production of those crops. I think provided that is done that there will be a steady expansion in the demand for those crops, whereas 18 months ago exactly the reverse was the case.

One crop which is running into a lot of trouble at the present time in regard to price is cotton, but I think it is the only crop in this country which has put by a price assistance fund. The Nyanza Province and the Coast Province between them have a price assistance fund for cotton of the order of approximately £1,000,000. In the last two or three years it has only been drawn on to a limited extent, but I fear that it will be drawn on substantially in this coming year, and it may well be that in future we may have to divorce our price policy somewhat from Uganda, which is the country from which we have taken our lead in the past. Nevertheless, it is a help in African areas where maize may be considered to be unproductive in that it is possible to support the price of cotton somewhat above the level of the world price and allow it to drop rather more gently.

I would just like to say a word on agricultural education. For the agricultural services of Government three levels of staff are required: the professional officer on the A scale for whom a degree is required, followed by two years of

post-graduate training; the diploma officer, the assistant agricultural officer on the C scale for whom, preferably, a diploma is required, although approved farming experience may be taken in; thirdly, the agricultural instructor, the man in the field who is in direct contact with the African.

The Makerere College has just commenced a degree course in agriculture and in two or three years' time we hope to get the first degree people out of Makerere, but in doing so the Makerere College wishes to fade out its diploma course, and we have nowhere else in East Africa where Africans can take a diploma in agriculture. Makerere will not fade out its course so fast that we cannot try to remedy this position, but I just want to say that the requirements in Government, and I have no doubt they will be so in commerce as well, are five technical officers at the diploma level for every professional officer at the degree level. Therefore, as far as I am concerned, it is five times more important to get people with diplomas than it is to get people with degrees. The Egeron College helps to assist in that way, but at the present time it does not turn out enough people with a diploma, and people who are turned out with a diploma in general prefer to go into farming or other activities.

I have noticed a tendency in the Commissions that come out on higher education to be much more interested in the technical artisan type of agricultural training, and we have under consideration—been under pressure for a long time from the African Members of this House to try and establish a diploma at college for Africans in this country. We are reviewing the possibility of amalgamating all our instructors' training centres into one where we could run a high-level course with an extension, for the best people to take a diploma. We feel that it is the only way we shall be able to do it without coming down on Government again for large sums of money which are not available.

I should like just to end up with two points which have been mentioned by hon. Members. One is settlement schemes. I think the hon. Specially Elected Member, Mr. Muchura, asked why settlement schemes were not popular. Well, the answer to that is that had

[Mr. Swynnerton] the land been highly suitable for settlement it would be densely occupied already by Africans. Therefore, to look for land for settlement schemes we have to go into areas in which there must be some hindrance or other; that is there may be a lack of water supply, it may be bad drainage, it may be tsetse fly, and because of going into those areas the minimum economic holding, instead of being seven or eight or nine or ten acres may have to be of the order of 20 or 30. The first job may have to be to clear bush out of the way; the second one, to put in water supplies. Then the family goes on to the holding and the misadventure they get on all the bush starts regenerating again, and it is not within the powers of that family to keep on top of the bush. Those, in general, are the reasons why resettlement schemes are unpopular, because there are certain obstacles to the people developing them profitably.

The last point, Sir, was on irrigation. The Specially Elected Member, Mr. Bruce McKenzie, referred to the economics of the irrigation scheme, in particular Perkerra and Tebere.

In our development plans we did in fact plan to start an irrigation experimental station on the Mwea plains and on the Kano plains. From that we planned to go on to pilot schemes of irrigation, and from that to branch them out into bigger schemes. Unfortunately we were hit by the Emergency just at that time, when there was the need to find employment for large numbers of detainees, and so we had to go into bigger schemes than we would have done under normal circumstances. There is no doubt that they have been very valuable for providing employment for the detainees and providing conditions in which they could be rehabilitated and even settled. We have also been substantially helped, not only from the Emergency funds but also from the United States International Co-operation Administration in the development of these schemes. I think it is fairly certain that future development will only go on providing it is reasonably economic, but I must say, Sir, that in any irrigation schemes in any part of the world the capital required to be put into them is generally found in proportion by the

Governments concerned, so there are very few irrigation schemes in the world today which have financed the capital of the scheme fully by charges over the succeeding 20 years or so to the tenants or the landowners of those schemes. That is so with our present irrigation schemes. There is no doubt at all that they cannot be developed fully economically if all the capital has to be repaid.

Mr. Speaker, I beg to support.

Mr. SHATRY (Arab Elected): Mr. Speaker, I should like to join with previous speakers in paying my warm tribute to His Excellency's speech which has been reassuring as to the political security of the island of Mombasa, including other coastal towns and districts, and it has been of great encouragement to His Highness and subjects in the Protectorate.

It has also, I am sure, removed the fears in the minds of many people in this country as far as peace and political stability is concerned, and I honestly hope that more capital investment from outside will flow again in an ever increasing amount.

I would like anyhow to see that something concrete is done towards the following few matters as mentioned in Sessional Paper No. 1 of 1958/59. Firstly, Sir, with regard to the electoral roll. I would like to see a change of Arab constituency. We have at present only one constituency, and it is impossible for two Arab Elected Members to represent the whole Colony. We want therefore at least three constituencies, one for Mombasa, one for the Coast and one for up-country. My community, Sir, feels that Government has done nothing to increase Arab representation on the unofficial side for more than 30 years.

With regard to broadcasting, Sir, Arabs should be allowed to play a more important part in this, and in broadcasting the Arabic and Swahili programmes. This will go a long way to stop the persistent and calculated campaign by the Mombasa African Democracy Union to vilify the Arab community at the Coast. The Governor in his speech, Sir, has made clear the obligations the British have towards the Government of H.H. the Sultan of Zanzibar and the

[Mr. Sbraty] Protectorate of the Colony, and the subjects of His Highness the Sultan, and I do not wish to say more.

The third point, Sir, is in regard to the public service. As we are all aware we have Arabs in the Colony and Protectorate who are fit enough to hold responsible positions in the public service. I would like to see that some more posts are offered to the Arabs and in order to safeguard the interests of the Arab civil service I humbly request the Government to establish a new body called the Arab Civil Servants Association.

My fourth point, Sir, is in regard to crime. Crime at the Coast has increased and I would like more and more drastic action to stop the unwanted menace of public behaviour. The crime is mostly done by people coming from outside Mombasa and who fail to seek an employment. Unemployed persons should be repatriated into their reserves instead of allowing them to roam on the island and indulge in crime.

Turning to education, Sir, I do not complain so much about education, but I must say that it still needs a lot of improvements and there is still a lot of room for improvements in education for the Arabs. I am sure the Minister responsible for this will see his way to improve it. I would like to see that compulsory education is also applied to the Arab boys. We are anxiously awaiting, Sir, the results of the Dar es Salaam conference which is going to be held at the end of this month, and we hope some fruitful results will be attained.

With regard to agricultural schemes, Sir, my committee would like to play an active part in the development of the Coast, and I suggest to the Minister of Agriculture that something should be put up—some concrete proposal suitable to both the Government and the Arabs and call it the Arab Agricultural Scheme. This will also ensure political stability to the Arab community.

Arabs have stayed at the Coast for the last twelve hundred years and should be given preference over other races in this one place. Arabs have not tried to exploit other places and have restricted their activities to Mombasa, Malindi, Lamu and other coastal districts only. To

prove our stay on the island—I see one of my hon. friends is saying "no"—we have a tomb Sir, dated the 23rd February, 755 A.D., and this proves our right and claim.

Turning to the Restriction Ordinance, I would urge Government to bring to an end as soon as possible this undesirable Ordinance especially at the coast. Several Arab landlords are at the mercy of rich Indian tenants who own their own houses, but insist on staying where they are because of the low rent, and let their own houses at very high rents. I know I will be told that as soon as the rent control is lifted, there will be a lot of hardships on some of the tenants because of lack of accommodation, but I must assure the House that that is not the case at present. There is accommodation available at low rates in Mombasa.

Finally, Sir, I would like to congratulate the hon. Members on both sides of the House who supported the rights and privileges of the Arabs at the Coast.

Sir, with these few words, I beg to support the Motion.

MR. COWIE (Director of Royal National Parks): Mr. Speaker, Sir, with your leave, I should like to make a brief contribution to this debate. I rather hesitate to do so, because I think it has been so constructive and so informative: the standard has been very high. Even so, I would like to join in with those who paid tribute to His Excellency for a clear, forthright statement of policy. But also, Sir, I would like to pay tribute to a Governor who has plotted this country through a period of six years; in my recollection, probably the most difficult six years in our history.

As I understand it, Sir, the main purpose of this debate, apart from receiving the statement of policy, is to try to assess views which will influence the design of the next budget. From that aspect, Sir, I would like to contribute what I think might be called an order of priority for expenditure.

One or two speakers have already referred to this point, Sir, but I am not sure I entirely agree myself with the order that has been laid down. The first heading, Sir, I would say is undoubtedly security. The pattern that has emerged from this debate so far is security.

[Mr. Cowie.]

I would divide that, Sir, into two parts. First of all, security of people and security of land. Under the security of people, there is a statement in the Governor's speech which I think we must heed and heed very carefully. He said that K.K.M. in certain places had gone very deep indeed. Now, those are words, Sir, which I think are serious words, and we must take great heed of them. There are also many references and contributions by hon. Members in this debate relating to subversive activities, and also to crime and crimes of violence in particular. Well, Sir, in my view, that points to one conclusion only: in this order of priority, the police must not be stinted in the performance of their duties. I would place them absolutely at the top of any list when it comes to apportioning the finance that might be available. Coupled with that, Sir, is the Administration. I regard the Administration as the backbone of this country. I can remember very often travelling in remote places and seeing two flags flying: one is the union jack, the other is the Kenya police flag. Those are two symbols, Sir, which to my mind indicate not only British administration and all it means, but also the police and safety of the people. As long as those two symbols can fly, and can fly successfully and efficiently, then I believe we are apportioning our finance correctly.

The next heading, Sir, of priority I would call the security of the land. The land, in my view, and everything that lives on it, in it and by it, is undoubtedly our main asset. That embraces agriculture, soil conservation, water, forestry, and everything else that goes with it. At the top of that list, I would put water conservation, for unless we take heed to safeguard our water resources, we are wasting what is virtually our main asset.

The third order of priority, Sir, that I would suggest is internal prosperity and welfare, referred to by the hon. Specially Elected Member, Mr. Slade. Now, Sir, within this group there is bound to be a great scramble for any available finance. It will include health, local government, social services and all kinds of other technical and allied activities.

There is bound to be great competition within that group. What I suggest, Sir,

is that any project should be judged only from the point of view of whether it is essential (absolutely essential) and productive. If that is the yardstick applied to that general group of services, then possibly it would be easier to apportion the finance available.

The next order of priority, Sir, I would call long-range planning and other technical or allied services. They may or may not come in at any time in this order depending on one thing only: that is, the extent to which the consequential recurrent cost would upset this order of priority we are trying to achieve. I believe that long-range planning should be judged more from its likely consequential recurring cost than from its immediate gain.

And lastly, Sir, and absolutely last, I put political gymnastics. I believe in this kind of pattern of expenditure and priority, there is ample room for reasonable and wise development of any constitutional progress, but there is not room for some sort of political gymnastics which upset our order of priority and cause a great deal of embarrassment to the inflow of capital into this country and a good many other developments.

If, Sir, such a pattern could be accepted for expenditure, then I believe it is possible to apply whatever revenue is available in that order, but what is even more important, if there have to be reductions, then the reductions can be applied in the inverse order. That means means that there would be no necessity for a percentage cut on all organizations, including the police and the Administration. They would surely be the last to be cut when reductions have to be made.

I hope, Sir, that we can watch this position carefully and put first things first: that is really what I am hoping to convey to hon. Members. The first things we must put first are undoubtedly security, therefore the police and the Administration have priority.

Turning now, Sir, to a purely specific item which has been referred to in this debate already, that is, tourism, I have not had the opportunity of paying a tribute both to the Government and to the Minister himself since the creation of this Ministry. In the very short time, Sir, the Minister has with great zeal, I think,

[Mr. Bompas] people who have rushed into the correspondence columns of our Press, to try to show that opposition to this tax stems from machinations of business tycoons, chambers of commerce, and wealthy planters. Have these correspondents not the wit to realize that, if their employers, be they planters, garage proprietors, small manufacturers, or what have you, are forced by taxation, and retroactive taxation at that, to cease expansion and development, their very jobs are in jeopardy? It is too complex to deal here with the impact upon planters and farmers where various allowances are operative. In any event, Sir, detailed evidence has been recorded elsewhere, if recorded is not in fact a euphemism. So, Sir, I will confine myself to three small private companies, companies of which I happen to be a servant and in respect of which I can speak from intimate knowledge. These are all proprietary companies and, if I may say so with modesty, they are models of their kind. In the absence of any allowance whatsoever, for even the most modest depreciation on their buildings, not one of these companies (although they have regularly paid out modest and reasonable dividends, the maximum that is consistent with prudent management and sound economy), I repeat, not one of those companies, has the liquid funds available to distribute the dividends which are essential if payment of undistributed income tax is to be avoided. Note one of those three companies, by reason of their loan redemption commitments, has the liquid funds available to pay the undistributed tax as well as their normal dividends. Of course, the lower the value of the normal dividend they pay, the higher the undistributed income tax they pay. If it were not so serious this would be a truly "Gilbertian" state of affairs.

Let me add, Sir, that to the best of my knowledge, and with one possible exception, the shareholders in these three small companies, which include a certain number of widows, are all people, "little people" whose private income tax is well below the Sh. 9/50 rate that has been mooted. The only way, Sir, to save these people from being literally robbed by the Exchequer is to pay dividends in excess of earnings, as computed by normal accountancy methods with cash which does not exist.

I wish, Sir, that hon. Members opposite, and possibly some of our Ministers, were able to take seats on boards because I would be delighted to invite any of them to become a director of these three companies to tell me just how this position could be cured. I think they would be sorry, Sir, if they were in a position to accept.

I referred this House on the 25th July to the aggravating effects of the tax proposals upon the flight of capital. This comment was left unanswered by the three Government Members who then followed including the substantive Minister for Finance and Development. The hon. Corporate Member commented earlier in this debate that the Government was apparently not prepared to believe him and to accept his opinion of this fact. Possibly the Government might be prepared to believe and to accept the statement of the Association of Accountants. It is here that I must join issue with the European Minister without Portfolio, he said that he was most impressed with the statement of the Association of Accountants, and then he proceeded to spoil that remark. He mentioned an enquiry from South Africa about local investment prospects as though he had successfully trumped the Accountants' ace. Now, Sir, there is nothing very remarkable about a South African enquiry as to prospects of investment in this country. Nor indeed is there anything remarkable about such a South African accepting our non-residents' rate of tax. What would be remarkable, even a miracle, would be if we were able to hear at this stage of our affairs that an enquirer with any appreciable amount of capital was prepared to change his domicile, and transfer his capital, and accept Kenya taxation as a resident.

The Minister used these words, Sir: "South Africa, where we are told everybody is going to send their money to." I ask you, Sir, to note the tense: "is going to send their money . . ." Sir, Kenya capital has been going away to South Africa and the Rhodesias for some years. Some hon. Members may have seen a recent cartoon of three little ostriches with their heads well and truly buried in the sand. There is a fourth ostrich gazing at them fixedly and remarking, "Not a soul in sight". Sir, since this legislation was mooted the flow

[Mr. Bompas] has started to become a flood. It is not something I think, Sir, it is something I know. It is going not only to the south, but it is even going to Britain where the purchase of War Loan can at this time give a tax free return to the investor of 5½ per cent. This is not fun money; it is, Sir, to coin a phrase, pressure money. The flow is not a matter of conjecture; it is a matter of fact. If the Government will not accept my word for it, then let them enquire at the banks and the stockbrokers. "There are none so blind as those who will not see."

If the Government attempts to stem this flood by restrictive measures then Kenya will merely lose manpower as well as capital. The only solution is a move towards a more attractive, a more retentive tax structure. What contribution does the proposal for undistributed income tax make to this policy beyond putting it into reverse?

Why speak further upon the unspcakable?—upon proposals which border, in my submission, upon economic suicide.

Mr. Speaker, the House is already well aware of my views upon economy. May I merely quote Dirxnel's words: "There can be no economy where there is no efficiency". I look to the Government to honour the pledge given by the European Minister without Portfolio that any cuts to be made will be made intelligently.

In this context, Sir, I would ask for a review and scrutiny of economies which have been made, or are mooted, in the dispositions of administration staff, police, and security forces in the Central Province, and particularly in my own constituency of Kilambu.

Now, Sir, may I echo the plea of the hon. Member for Mombasa and the hon. Arab Member for expedition of the new rent control legislation. Every day that this is delayed is another day of direct expense upon a control organization which has long since ceased to serve any really useful purpose and the indirect expense and waste of time and temper of all those who have the misfortune to have to deal with that control.

The hon. Member for Mombasa quoted from *The Economist*. I would like to quote of economist from the advertisement pages of the *Financial Times* as follows: "Wanted, economist:

40: single, whose spirit has been broken after many years of hard labour in the more stylish Government departments concerned with trade and industry; now considers himself qualified for a directorship. Poor organizer; no vision; no drive; no initiative; no nothing. Advertiser has a safe fireproof job but would like to mix with human beings. Write Box . . ."

Sir, my friend the Minister for Commerce and Industry will forgive my quoting that advertisement when I remind him, as I said earlier on, that I, too, am a company director.

To conclude, Sir, I would ask Government to bear three points in mind apropos of the contemplated legislation to control insurance and assurance. First, it is only in the past very few years that leading insurance and assurance offices have plucked up courage to make any appreciable investment in this country, although I and others have been trying to sell them the idea for many years that they should invest their premium reserves where they are earned. One has only to look round this city and elsewhere to appreciate the extent of the problem. This has not been confined to visible buildings, but extends also to investment in mortgages and local public and Government stock issues. Whilst it is proper that insurers who desire to operate here should produce proper declarations of solvency, and have an investment stake in the Colony, any over-regularization or any forced channelling of investment may well reduce rather than increase those funds. Insurance investment managers know what their requirements are in both long and short-term investment and what their requirements are to meet specialized needs. They like to select; they do not take kindly to direction.

Secondly, Sir, rigid control of agents, canvassers, etc., and rates of commission, are becoming increasingly necessary, and should be embodied in the legislation. That, Sir, is the only way in which the price to the insured can be kept down.

Finally, Sir, I would plead that ample time should be given to all interested parties to study the basic principles and to examine advance drafts of any Bill. Local managers or representatives will all have to submit details to their head offices abroad, who in turn will require to consult in the Accident Offices'

[Mr. Swynnerton] talk about unemployment—a farm can be run on a very much lower labour force than many farmers have been accustomed to in the past. Greater specialization on a farm, reduction in the number of workers on a farm, but improvements in their terms of service, if they could become specialists, a farmer could afford to pay them more, not only because of the output he is getting from them but because, also, he is not using so many labourers.

In this respect, the Agricultural Department—and I should couple with that the Veterinary Department, although I am only speaking for the Agricultural Department—runs its experimental stations on the basis of having an area for pure experimentation and then putting the results of that experimentation on to a commercially run husbandry farm, so that the advice which is taken out to farmers by the advisory officers, over the radio, through farmers' journals, is advice based on actual experience gained by officers in the districts.

Of the services that are provided and are available to farmers, in particular, I would commend the farm-planning services because those do help a farmer to get the correct layout of his farm, at least to discuss what are considered to be the most economic crops and stock to produce, and economic methods of doing so, and to discuss profit and loss. All those discussions are carried out with the wishes of the farmer in mind, so that his particular aptitudes may be supported or his particular wishes included if he does not agree with the technical officers.

One important aspect is the joint agricultural economic survey that is being undertaken at the present time on 120 farms in Kenya on the economics of production, jointly between the Egerton Agricultural College and the Agricultural Department. I think that the result of that survey—which will be out in perhaps a year or 15 months' time—will be of tremendous benefit to farmers in general, in that it will bring out the enterprises which are profitable, the practices which are profitable, the practices which are unprofitable. There will be three groups of farmers, the efficient farmers, making profit, the average farmers, making do, and the less efficient

farmers who are finding it a struggle to farm. I think that the result of that agricultural survey will be of tremendous benefit to farmers right across the Highlands.

What I have said, Mr. Speaker, of course, applies to African farming just as it applies to European farming. African farming must be developed on as fully economic a basis as possible. The African lands which are heavily populated are also productive lands and we have got to encourage the people in those areas to effect the maximum production that they can get from their lands; we cannot afford to have subsistence farming in this country; we must have productive farming, a system of farming which is contributing not only to the wealth of the individuals but to the wealth of the country.

Congratulations have gone out to all the people in the Central Province on the very good work they have done on land consolidation and I heartily endorse these. As far as agriculture is concerned, that is the beginning and not the end. It is very easy for us to win the land consolidation battle, but to lose the production war. We must get those holdings and farms, as quickly as we can, on to a productive basis. We all know the dense population problems but we must not at any time feel we can let the land become subdivided again back to subsistence level. We must work at the very least to a minimum economic level, that is, feeding the family and seeing that they get enough cash income to maintain themselves and to enable them to spend money in order to increase the wealth of the country and the commerce of the country. That is a matter which we must bear very much in mind in these coming months and years of economy. We feel and hope that we shall have the staff up to 1960, that is, the end of the present development period, but it is not an activity or a service which can be cut out at that time; it is a commitment which will have to go forward year after year, if we are to give the best advice and the best services to the African farmers who want to develop economic planned holdings.

We have found with planned holdings that it takes too much time to deal with the individual. In Central Province, where there are 200,000 African farmers,

[Mr. Swynnerton] with detailed farm planning it might take us several hundred years to get round all the farms. So we have got to a system of farm layouts; that is, just giving the farmer the basic layout of where to put his house, his permanent cash crops, where to put his arable land, so that later on, when the farm planning teams come, they will have the pattern there and will not have to tell the farmer, "Your house is in the wrong place, your coffee trees are in the wrong place, your tea trees are in the wrong place".

In each area, a nucleus of farm planning is laid down, in order that the people who have farm layouts may have something to copy, so that the agricultural instructors may have somewhere to demonstrate.

One of the obstacles we have run into at the present time in this farming development is the shortage of money for loans to individual farmers in the African areas, where an African farmer has got his holding laid out, and he has not got the money to pay the labour to lay out his fields, to put in terracing, dig out couch, purchase improved cattle, coffee seedlings and so on. Our aim in the long run, we hope, is to develop export cash crops so that the African farmers can get their money for their future development from that source and so that from that source also they can service any loans they have taken. This is a matter which is being pursued very closely at the present time by Government and we have asked the International Co-operation Administration if they will assist us with a person called a "Rural Credit Technician" because we feel, if we get someone of that sort, he will be able to advise us what are our priority needs in regard to loan money and what matters should be either deferred or left to the farmer to deal with himself.

I would just like to touch briefly, Sir, on a few of the cash crops, particularly as they relate to African farming. I would like to start with coffee. I think that all Members are well aware that coffee has got into a dangerous position, through no fault of Kenya at all. I think it would have been the wish of the coffee planters in this country that the price of coffee stayed at a level that was economic to the efficient producer; if I think in recent years many coffee farmers would agree that it has been well

above that level. From the point of view of the world, that has encouraged other countries to develop coffee in large areas, areas in which, had that economic price ruled, either they could not have developed coffee or else they might have gone bust. But, unfortunately, that has not been so, and particularly Brazil and Columbia have built up very vast stocks of coffee at the present time, something of the order of 20,000,000 or 30,000,000 bags—a year's supply in the world. Had the price been lowered some years ago, that excess production might not have taken place, consumption might very well have been encouraged and those very heavy stocks might not be there today.

While those countries are holding further coffee off the market in the coming year the situation, as I say, is being further aggravated, and it is a matter for warning all coffee planters that the bigger the stocks of coffee that are built up in the world, especially in Central and South America, the bigger may be the disaster we shall run into in a year, two or three years' time. I do say this, because I think also (and I think that the Coffee Board will arrange that this is done) all coffee farmers should be warned that they may be running into a period of difficulty, and that if they want to undertake further planting they must do that with their eyes open. I say this to the Africans as well as to anybody else. I believe however that if we go on maintaining a good yield and good quality that we shall be able to weather any storms of that sort, and it might be that a disaster of that nature might put out our competitors very much more severely than it would put us out of the running.

I would just like to say a few words on tea, Sir. Hon. Members may have seen recently that in Nyanza and Rift Valley Provinces a Tea Marketing Board was established. We have been fortunate to receive the assistance of a number of the leading tea companies in this country. They have agreed to purchase the green leaves off about 3,500 acres of tea in the African areas. That has been of tremendous benefit to our plans, because it has enabled us to go ahead without the immediate consideration of finance for factories. It has enabled us, where we think we can get money for factories, to

[Mr. Swynnerton] be able to consider siting those factories in areas away from existing tea estates. However it is a position we have to watch, to ensure that we do get money for tea factories in all areas over the next ten of fifteen years, and to plan certainly and economically, and we are at the present time in negotiation with various bodies who may be interested in coming in to finance tea factories, to manage tea factories, as commercially competent people, and we hope in due course that we will have success in this line.

Two other crops which have been in the doldrums over the last 18 months through difficulties in disposing of their surplus stocks—pyrethrum and pineapple—are in fact at the present time looking up somewhat, and there appears to be expanding markets which, while they do not give any opportunity for unlimited planting will, I hope, enable a steady expansion in the growing of those crops to take place. They are both controlled by Boards, and those Boards are controlling the production of those crops. I think provided that is done that there will be a steady expansion in the demand for those crops, whereas 18 months ago exactly the reverse was the case.

One crop which is running into a lot of trouble at the present time in regard to price is cotton, but I think it is the only crop in this country which has put by a price assistance fund. The Nyanza Province and the Coast Province between them have a price assistance fund for cotton of the order of approximately £1,000,000. In the last two or three years it has only been drawn on to a limited extent, but I fear that it will be drawn on substantially in this coming year, and it may well be that in future we may have to divorce our price policy somewhat from Uganda, which is the country from which we have taken our lead in the past. Nevertheless, it is a help in African areas where maize may be considered to be unproductive in that it is possible to support the price of cotton somewhere above the level of the world price and allow it to drop rather more gently.

I would just like to say a word on agricultural education. For the agricultural services of Government three levels of staff are required: the professional officer on the A scale for whom a degree is required, followed by two years of

post-graduate training; the diploma officer, the assistant agricultural officer on the C scale for whom, preferably, a diploma is required, although approved farming experience may be taken in; thirdly, the agricultural instructor, the man in the field who is in direct contact with the African.

The Makerere College has just commenced a degree course in agriculture and in two or three years' time we hope to get the first degree people out of Makerere, but in doing so the Makerere College wishes to fade out its diploma course, and we have nowhere else in East Africa where Africans can take a diploma in agriculture. Makerere will not fade out its course so fast that we cannot try to remedy this position, but I just want to say that the requirements in Government, and I have no doubt they will be so in commerce as well, are five technical officers at the diploma level for every professional officer at the degree level. Therefore, as far as I am concerned, it is five times more important to get people with diplomas than it is to get people with degrees. The Egerston College helps to assist in that way, but at the present time it does not turn out enough people with a diploma, and people who are turned out with a diploma in general prefer to go into farming or other activities.

I have noticed a tendency in the Commissions that come out on higher education to be much more interested in the technical artisan type of agricultural training, and we have under consideration—been under pressure for a long time from the African Members of this House to try and establish a diploma at college for Africans in this country. We are reviewing the possibility of amalgamating all our instructors' training centres into one where we could run a high-level course with an extension, for the best people to take a diploma. We feel that it is the only way we shall be able to do it without coming down on Government again for large sums of money which are not available.

I should like just to end up with two points which have been mentioned by hon. Members. One is settlement schemes. I think the hon. Specially Elected Member, Mr. Muchura, asked why settlement schemes were not popular. Well, the answer to that is that had

[Mr. Swynnerton] the land been highly suitable for settlement it would be densely occupied already by Africans. Therefore, to look for land for settlement schemes we have to go into areas in which there must be some hindrance or other; that is there may be a lack of water supply, it may be bad drainage, it may be setse fly, and because of going into those areas the minimum economic holding, instead of being seven or eight or nine or ten acres may have to be of the order of 20 or 30. The first job may have to be to clear bush out of the way; the second one, to put in water supplies. Then the family goes on to the holding and the minute they get on all the bush starts regenerating again, and it is not within the powers of that family to keep on top of the bush. Those, in general, are the reasons why resettlement schemes are unpopular, because there are certain obstacles to the people developing them profitably.

The last point, Sir, was on irrigation. The Specially Elected Member, Mr. Bruce McKenzie, referred to the economics of the irrigation scheme, in particular Peikerra and Tebera.

In our development plans we did in fact plan to start an irrigation experimental station on the Mwea plains and on the Kano plains. From that we planned to go on to pilot schemes of irrigation, and from that to branch them out into bigger schemes. Unfortunately we were hit by the Emergency just at that time, when there was the need to find employment for large numbers of detainees, and so we had to go into bigger schemes than we would have done under normal circumstances. There is no doubt that they have been very valuable for providing employment for the detainees and providing conditions in which they could be rehabilitated and even settled. We have also been substantially helped, not only from the Emergency funds but also from the United States International Co-operation Administration in the development of these schemes. I think it is fairly certain that future development will only go on providing it is reasonably economic, but I must say, Sir, that in any irrigation schemes in any part of the world the capital required to be put into them is generally found in proportion by the

Governments concerned, so there are very few irrigation schemes in the world today which have financed the capital of the scheme fully by charges over the succeeding 20 years or so to the tenants or the landowners of those schemes. That is so with our present irrigation schemes. There is no doubt at all that they cannot be developed fully economically if all the capital has to be repaid.

Mr. Speaker, I beg to support.

MR. SHATRY (Arab Elected): Mr. Speaker, I should like to join with previous speakers in paying my warm tribute to His Excellency's speech which has been reassuring as to the political security of the island of Mombasa, including other coastal towns and districts, and it has been of great encouragement to His Highness and subjects in the Protectorate.

It has also, I am sure, removed the fears in the minds of many people in this country as far as peace and political stability is concerned, and I honestly hope that more capital investment from outside will flow again in an ever increasing amount.

I would like anyhow to see that something concrete is done towards the following few matters as mentioned in Sessional Paper No. 1 of 1958/59. Firstly, Sir, with regard to the electoral roll. I would like to see a change of Arab constituency. We have at present only one constituency, and it is impossible for two Arab Elected Members to represent the whole Colony. We want therefore at least three constituencies, one for Mombasa, one for the Coast and one for up-country. My community, Sir, feels that Government has done nothing to increase Arab representation on the unofficial side for more than 30 years.

With regard to broadcasting, Sir, Arabs should be allowed to play a more important part in this, and in broadcasting the Arabic and Swahili programmes. This will go a long way to stop the persistent and calculated campaign by the Mombasa African Democracy Union to vilify the Arab community at the Coast. The Governor in his speech, Sir, has made clear the obligations the British have towards the Government of H.H. the Sultan of Zanzibar and the

[Mr. Shatry] Protectorate of the Colony, and the subjects of His Highness the Sultan, and I do not wish to say more.

The third point, Sir, is in regard to the public service. As we are all aware we have Arabs in the Colony and Protectorate who are fit enough to hold responsible positions in the public service. I would like to see that some more posts are offered to the Arabs and in order to safeguard the interests of the Arab civil service I humbly request the Government to establish a new body called the Arab Civil Servants Association.

My fourth point, Sir, is in regard to crime. Crime at the Coast has increased and I would like more and more drastic action to stop the unwanted menace of public behaviour. The crime is mostly done by people coming from outside Mombasa and who fail to seek an employment. Unemployed persons should be repatriated into their reserves instead of allowing them to roam on the island and indulge in crime.

Turning to education, Sir, I do not complain so much about education, but I must say that it still needs a lot of improvements and there is still a lot of room for improvements in education for the Arabs. I am sure the Minister responsible for this will see his way to improve it. I would like to see that compulsory education is also applied to the Arab boys. We are anxiously awaiting, Sir, the results of the Dar es Salaam conference which is going to be held at the end of this month, and we hope some fruitful results will be attained.

With regard to agricultural schemes, Sir, my committee would like to play an active part in the development of the Coast, and I suggest to the Minister of Agriculture that something should be put up—some concrete proposal suitable to both the Government and the Arabs and call it the Arab Agricultural Scheme. This will also ensure political stability to the Arab community.

Arabs have stayed at the Coast for the last twelve hundred years and should be given preference over other races in this one place. Arabs have not tried to exploit other places and have restricted their activities to Mombasa, Malindi, Lamu and other coastal districts only. To

prove our stay on the island—I see one of my hon. friends is saying “no”—we have a tomb Sir, dated the 23rd February, 755 A.D., and this proves our right and claim.

Turning to the Restriction Ordinance, I would urge Government to bring to an end as soon as possible this undesirable Ordinance especially at the coast. Several Arab landlords are at the mercy of rich Indian tenants who own their own houses, but insist on staying where they are because of the low rent, and let their own houses at very high rents. I know I will be told that as soon as the rent control is lifted, there will be a lot of hardships on some of the tenants because of lack of accommodation, but I must assure the House that that is not the case at present. There is accommodation available at low rates in Mombasa.

Finally, Sir, I would like to congratulate the hon. Members on both sides of the House who supported the rights and privileges of the Arabs at the Coast.

Sir, with these few words, I beg to support the Motion.

Mr. COWIE (Director of Royal National Parks): Mr. Speaker, Sir, with your leave, I should like to make a brief contribution to this debate. I rather hesitate to do so, because I think it has been so constructive and so informative: the standard has been very high. Even so, I would like to join in with those who paid tribute to His Excellency for a clear, forthright statement of policy. But also, Sir, I would like to pay tribute to a Governor who has piloted this country through a period of six years; in my recollection, probably the most difficult six years in our history.

As I understand it, Sir, the main purpose of this debate, apart from receiving the statement of policy, is to try to assess views which will influence the design of the next budget. From that aspect, Sir, I would like to contribute what I think might be called an order of priority for expenditure.

One or two speakers have already referred to this point, Sir, but I am not sure I entirely agree myself with the order that has been laid down. The first heading, Sir, I would say is undoubtedly security. The pattern that has emerged from this debate so far is security.

[Mr. Cowie]

I would divide that, Sir, into two parts. First of all, security of people and security of land. Under the security of people, there is a statement in the Governor's speech which I think we must heed and heed very carefully. He said that K.K.M. in certain places had gone very deep indeed. Now, those are words, Sir, which I think are serious words, and we must take great heed of them. There are also many references and contributions by hon. Members in this debate relating to subversive activities, and also to crime and crimes of violence in particular. Well, Sir, in my view, that points to one conclusion only: in this order of priority, the police must not be stinted in the performance of their duties. I would place them absolutely at the top of any list when it comes to apportioning the finance that might be available. Coupled with that, Sir, is the Administration. I regard the Administration as the backbone of this country. I can remember very often travelling in remote places and seeing two flags flying: one is the union jack, the other is the Kenya police flag. Those are two symbols, Sir, which to my mind indicate not only British administration and all it means, but also the police and safety of the people. As long as those two symbols can fly, and can fly successfully and efficiently, then I believe we are apportioning our finance correctly.

The next heading, Sir, of priority I would call the security of the land. The land, in my view, and everything that lives on it, in it and by it, is undoubtedly our main asset. That embraces agriculture, soil conservation, water, forestry, and everything else that goes with it. At the top of that list, I would put water conservation, for unless we take heed to safeguard our water resources, we are wasting what is virtually our main asset.

The third order of priority, Sir, that I would suggest is internal prosperity and welfare, referred to by the hon. Specially Elected Member, Mr. Slade. Now, Sir, within this group there is bound to be a great scramble for any available finance. It will include health, local government, social services and all kinds of other technical and allied activities.

There is bound to be great competition within that group. What I suggest, Sir,

is that any project should be judged only from the point of view of whether it is essential (absolutely essential) and productive. If that is the yardstick applied to that general group of services, then possibly it would be easier to apportion the finance available.

The next order of priority, Sir, I would call long-range planning and other technical or allied services. They may or may not come in at any time in this order depending on one thing only: that is, the extent to which the consequential recurrent cost would upset this order of priority we are trying to achieve. I believe that long-range planning should be judged more from its likely consequential recurring cost than from its immediate gain.

And lastly, Sir, and absolutely last, I put political gymnastics. I believe in this kind of pattern of expenditure and priority, there is ample room for reasonable and wise development of any constitutional progress, but there is not room for some sort of political gymnastics which upset our order of priority and cause a great deal of embarrassment to the inflow of capital into this country and a good many other developments.

If, Sir, such a pattern could be accepted for expenditure, then I believe it is possible to apply whatever revenue is available in that order, but what is even more important, if there have to be reductions, then the reductions can be applied in the inverse order. That means means that there would be no necessity for a percentage cut on all organizations, including the police and the Administration. They would surely be the last to be cut when reductions have to be made.

I hope, Sir, that we can watch this position carefully and put first things first: that is really what I am hoping to convey to hon. Members. The first things we must put first are undoubtedly security, therefore the police and the Administration have priority.

Turning now, Sir, to a purely specific item which has been referred to in this debate already, that is, tourism, I have not had the opportunity of paying a tribute both to the Government and to the Minister himself since the creation of this Ministry. In the very short time, Sir, the Minister has with great zeal, I think,

[Mr. Cowie] applied himself to his task and brought an entirely fresh breath of air into the whole development of tourism.

There is one point, Sir, on which the National Parks have been criticized and possibly to some extent with justification, because there is not enough visitors' accommodation in the National Parks, and that is true. The main reason, Sir, is that it has not been possible for the plans which the Trustees have put forward from time to time to be fully implemented through lack of finance; and that is why I was even more encouraged to hear the Minister for Tourism give an indication that he hopes to find more money or make more money available for the expansion of these essential tourist facilities. I am one, Sir, who has always held the conviction that there is a tremendous potential in tourist traffic, and I have on previous occasions almost been able to bring a gentleman into this Council, a symbolic figure called Mr. Harvey B. Cheeseman, who symbolizes all tourists in this country, and I feel very happy now, Sir, that I can commend Mr. Cheeseman, to the new Ministry of Tourism and feel perfectly certain he is now in very much better hands and also he can multiply and expand and come and spend all his money in this country.

In general terms, Sir, I do see very great prospects for the development of tourist traffic; it is one of the highlights of the statement of policy which, as far as I personally am concerned, is most encouraging.

I therefore join with the Mover of the Motion, Sir, in paying tribute and giving thanks to His Excellency.

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Wanyutu Waweru): Mr. Speaker, Sir, I will join with other hon. Members who have paid warm tribute to His Excellency because of the Communication from the Chair. In doing so, Sir, I have some observations which I noted from his speech.

He emphasized the necessity of sitting out together to consider the constitutional problems. When I was reading the speech, Mr. Speaker, and noted the history of the African Members in this Council, it reminded me of the time

when we had one Member, in 1944. A little later, we had two Members; and again, four other Members were increased in 1952, giving a total of six African Elected Members. In that year, Sir, we had two African Nominated Members for the first time in the history of Kenya. In 1956, Sir, by a mutual agreement, the number of African Elected Members was increased from six to eight; and in 1957 after the visit of our present Secretary of State for the Colonies, Mr. Lennox-Boyd, the African Members were increased from eight to 18. On this side of the House, Mr. Speaker, the African Nominated Members were increased from two to five. All that is at present in the minds of the African community—those who think and have an interest in the country—is the confusion which has been caused by some of the African political leaders. After we have had such a big increase in such a short time, some of the Members do not want the problem to be discussed fairly, and there, Sir, I would strongly support the views of His Excellency the Governor, that whatever change can come about, it must be discussed and agreed upon by all communities of this Colony.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Bechtgaard) took the Chair]

In concluding my remarks on the constitutional problems, I strongly support the views expressed by the hon. Mover, Mr. Rubia, when he said: "The Kenya Constitution should be given a fair trial". This reminds me of the time when Mr. Lennox-Boyd was here and also after he had left the Colony and went home; I do support the views expressed by the hon. Mover, that the Constitution should be given a fair trial.

It pleases me most, Sir, to note that the Africans are going to have their right of ownership of the land when we are going to be given the land title, if the Bill which will come before this House is passed. I know, Sir, that it is an ownership that had been in existence and it is now going to be legally recognized by the Government. It is a thing, I can assure, you, Sir, that has been awaited for by many Africans who have been asking for the land titles many years

[The Assistant Minister for Education, Labour and Lands]

back. This has come about, I think, as a result of the land consolidation, and I was pleased to see that His Excellency paid tribute to the administrative officers as well as the committee members of the land consolidation who have done a very good piece of work for our African people. I am sure that this will not only benefit the members of the Kikuyu, Embu, Meru, Kipsigis and so on, but I hope that other African tribes will join us in getting the benefits of land consolidation which we are having at present in the areas I have already mentioned.

Tribute should also be paid to the workers of the Red Cross. One could not understand how much the Red Cross have done and are doing in the field if one has not visited the African areas. In the Central Province, for example, where there are villages, children are having the attention of the Red Cross workers, and are benefiting a lot and I am sure that we, the Kikuyu, Embu and Meru, will never be able to pay the debt which we owe to the Red Cross workers.

The same thing, Sir, applies to those officers of the rehabilitation. They have done so well and one can only understand the good work they have done, if one meets the ex-detainees or those *Mau Mau* followers who have fully surrendered and have decided to do away with the *Mau Mau* movement.

I cannot fail to say a word or two about the relaxation of curfews and other Emergency regulations in the Central Province. As the Government is going on reducing the armed forces, the home guards, the administrative officers, the King's African Rifles, and so on, it brings me to a point where curfew is required at present. But I hope that if the Government continues in the way His Excellency stated in relaxing these regulations, I am sure that the Kikuyu, Embu and Meru will be the first people to turn round and say "thank you".

It was alleged by Mr. Nazareth that the present Constitution has only pleased the European community. There, I do not agree with him, Sir, because there are Specially Elected Members of the Asian community, of which he is a member, and I am sure that he would join me in saying that the Constitution should be given a fair trial.

Coming to education now, Mr. Deputy Speaker, it was said that we are not doing very much to help the Asian education to go ahead. The Education Department is here to help, and it will help those who help themselves. In the case of the Asian community, many good brains are not prepared to join the teaching profession, and without those good brains, the Education Department can do very little to help the young children who are going to school. I would here, Sir, appeal to the Asian community to do all it can by using their influence to persuade the intelligent Asian boys and girls to join the teaching profession so that what the hon. Asian Members are after can be achieved. Without good trained teachers with brains, it would not be possible for the Education Department to do anything for the future generation of the Asian community.

This, Sir, brings me to what was said by the hon. Specially Elected Member, Mr. John Muchura. He argued that Kenya should start High School Certificate examinations. The answer to that, Mr. Deputy Speaker, would be that he had better wait and see the report of the working party on higher education. Then he can start complaining. I would not be in a position to say, Sir, what they are doing, because they are not in Kenya, but I have played my part in advising the working party on what I think should be done. We will see when the report is out.

About African education, I do not want here, Sir, to blow my own trumpet, but I would say that the Department is doing all it can for the education of African children, starting from the primary, intermediate, secondary, technical and trade schools. I wish we could do more if we had more money and qualified staff. But I would say here, Sir, that it distresses me to see that some of the retired members of the Education Department—or those who have decided not to continue in the Education Department—are those who are complaining most. It is a pity, Sir, to see that those people refuse to teach their own children, and yet they expect them to be taught by others. I do not think that is a wise move, Sir.

(The Assistant Minister for Education, Labour and Lands)

In conclusion, Mr. Deputy Speaker, I was greatly pleased to see the Government policy about Jomo Kenyatta and his followers. No one in the Central Province has caused the deaths of as many people as Jomo Kenyatta himself. When I think of Jomo Kenyatta, I feel that I cannot call him any other name but a notorious murderer, because through his own poisonous tongue, so many have died, mostly members of my own tribe—some of them—who had been innocent and have died because they had been poisoned by him.

I would here, Sir, appeal to the Government to make this policy known at *barazas* and in the local newspapers to let those who have been thinking that Jomo Kenyatta is the leader of the African people know clearly that he is a prisoner, and he will not be allowed to come back and live among the members of the Kikuyu, Embu and Meru tribes.

I asked about the *barazas* because not many of the Africans are able to read and write, and they can understand better and more clearly if they are told the Government policy about Jomo Kenyatta at *barazas*.

With these remarks, Sir, I beg to stop.

CHIFER NZIOKA (Nominated Member): Mr. Deputy Speaker, Sir, I would like too, to associate with the other hon. Members to pay special tribute to the Governor's speech. It is true, Sir, that this speech, although it was so brief, has given us more lasting words if at all even we in Kenya believed in co-operation. In doing so, Sir, I would like to turn to the Minister of Agriculture. In this Ministry, Sir, we Africans know quite well that we are getting a

Secondly, Sir, the Veterinary Department is not doing very much in our country. We would like to appeal again to the Minister to see what means he could provide in order to improve the Akamba livestock.

lot of good work done for us—but we are still far from the stage of development that we should have reached. I would like to appeal to the Minister that the loans small indeed, and do not meet the demands of the people.

In Machakos and Kitui would like to

Sir, turning to Forest Policy much has been said about the hill-tops for afforestation which the Akamba community have given of their own will, so that the Government could help in planting trees. It is true, Sir, that we have set aside about 1,000 acres in Machakos, but I would like to tell the Minister that the scheme is going very slowly indeed. I appeal to the Government to see that they speed this scheme up because the people in the district need a lot of firewood as well as poles to build their houses and other necessary things.

Furthermore, Sir, I would like to turn to the Ministry of Works. So far as the £4,000,000 is concerned, I would appeal to the Minister that when spending this money he should consider the roads in the African land units. The roads are very, very bad indeed and I may even say that they are somewhat neglected. Since the Ministry of Agriculture is promoting the well-being of these people from the agricultural point of view I think that the Minister should consider the means of trying to better these roads within the African land units.

Finally, Sir, I would like to say something to do with detainees. It was said, Sir, that out of 77,000 detainees, 70,000 had been released and out of these 55,000 have been given employment. Now, Sir, this is a big move and I would like to appeal to all Kikuyu, men and women, and especially the Kikuyu, Embu and Meru leaders, to see what they can do in order to do away with the K.A.M. so that we in Kenya will go back to our peace. It is entirely in the hands of the Kikuyu and I am sure that the Kikuyu leaders will consider these words from the Governor, and that the Government will be ever prepared to do away with the Emergency as soon as possible.

With these words, Mr. Deputy Speaker, I beg to stop.

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair]

MR. BOMPUS: Mr. Speaker, listening to this debate I have come to the conclusion that it is fashionable to tell the House at least some of the subjects one is not going to talk about. So, Sir, I am

[Mr. Bompus] not going to speak about the very welcome aspects of His Excellency's Address from the Chair beyond associating myself with the generous tributes that have already been paid to that Address by various colleagues and other Members of the House.

I am not going to talk about leave terms because I have been unable to stung out that "sabbatical leave" means. The dictionary of course tells me what the sabbath means and it defines the sabbatical year as meaning every seven years. My conscience, of course, Sir, would not allow me to support a tour in excess of six years, so I must be silent on that subject.

Sir, I am not going to talk about the three invisible men—those geni, if that is the correct plural of genius, who by some mysterious and prodigious feat of remote control are able to absorb concurrently with their less ethereal fellows on the Select Committee the evidence which has been tendered to the Select Committee of the Central Assembly.

What I am going to talk about, Sir, is sabotage—unconscious, if you will, well intentioned, I am sure. But hon. Members well know where leads the road that is paved with good intentions. Nevertheless, Sir, it is sabotage.

With one reservation, to which I will come, I would congratulate the European Minister without Portfolio upon his most forthright speech. One of his comments was, and I quote, Sir: "So far I am not admitting that the Government have been convinced that they have made a mistake over the tax proposals. If it is shown that the Government has made a mistake then this Government is not going to be pig-headed about it". I do not know, Sir, how much more evidence the Government requires to expose its error when the Select Committee reports. But I can only pray that this may be forthcoming because seldom, if ever, have I been so convinced of anything as I am of the ill-advisedness of the proposed taxation legislation.

To take the less important, the less vital, but nevertheless important problem first, Sir, that of the assessment of owner-occupied houses, may I remind hon. Members that concurrently with the advice of the proposed increase in the

method of assessment the Government readjusted the administrative arrangements, and I am quoting the words of Sessional Paper No. 5, "... for standard annual values on the houses of Government servants" and some few others. Concurrently with that modification the Government took steps entirely to negative the effects of the two and a half times increase. This move took the sting out of the proposals so far as civil servants and a few others on assured salaries were concerned. In some cases, indeed, the arrangement shows those individuals will make a profit—in other words, Sir, there will be a kind auntie to pay the bus fares.

This arrangement, Sir, left those unfortunate people—self-employed and others—who have to earn their living in the light of a falling market, to bear the brunt of the revised tax. Sir, it was a crafty, I am not sure whether it was not a shabby, move. Mr. Speaker, this move, in my certain knowledge, has caused quite a number of people who were contemplating buying or building their houses in this country to change their minds. It is a policy, Sir, which is in marked contrast with the British Government Command Paper No. 571 which starts as follows: "The Government have decided to enable more people to buy their own homes. The way to do this is by increasing the amount of money available on mortgage, and this will be achieved by advancing Exchequer money to building societies for relending to would-be house purchasers". Sir, we know that it is the policy of the British Government to encourage home ownership. They are in the fortunate position of being able to provide that encouragement by means of finance. We are in a less happy position, Sir, and I suggest that it is extremely unfortunate that the Government has chosen at this juncture to remove what was an element of subsidy and encouragement.

Sir, now let me turn to the undistributed profits tax—the undistributed income tax. In so doing I would like to make it clear that I personally, and directly, am in no way affected by this tax. However, indirectly, in common with every man and woman and child in this country I am affected, and so are all the others, did they but realize it. I have no patience with those glibly

(Mr. Bompas) people who have rushed into the correspondence columns of our Press, to try to show that opposition to this tax stems from machinations of business tycoons, chambers of commerce, and wealthy planters. Have these correspondents not the wit to realize that, if their employers, be they planters, garage proprietors, small manufacturers, or what have you, are forced by taxation, and retroactive taxation at that, to cease expansion and development, their very jobs are in jeopardy? It is too complex to deal here with the impact upon planters and farmers where various allowances are operative. In any event, Sir, detailed evidence has been recorded elsewhere, if recorded is not in fact a euphemism. So, Sir, I will confine myself to three small private companies, companies of which I happen to be a servant and in respect of which I can speak from intimate knowledge. These are all property-owning companies and, if I may say so with modesty, they are models of their kind. In the absence of any allowance whatsoever, for even the most modest depreciation on their buildings, not one of these companies (although they have regularly paid out modest and reasonable dividends, the maximum that is consistent with prudent management and sound economy), I repeat, not one of those companies, has the liquid funds available to distribute the dividends which are essential if payment of undistributed income tax is to be avoided. Note one of those three companies, by reason of their loan redemption commitments, has the liquid funds available to pay the undistributed tax as well as their normal dividends. Of course, the lower the value of the normal dividend they pay, the higher the undistributed income tax they pay. If it were not so serious this would be a truly "Gilbertian" state of affairs.

Let me add, Sir, that to the best of my knowledge, and with one possible exception, the shareholders in these three small companies, which include a certain number of widows, are all people, "little people", whose private income tax is well below the Sh. 9/50 rate that has been mooted. The only way, Sir, to save these people from being literally robbed by the Exchequer is to pay dividends in excess of earnings, as computed by normal accountancy methods with cash

I wish, Sir, that hon. Members opposite, and possibly some of our Ministers, were able to take seals on boards because I would be delighted to invite any of them to become a director of these three companies to tell me just how this position could be cured. I think they would be sorry, Sir, if they were in a position to accept.

I referred this House on the 25th July to the aggravating effects of the tax proposals upon the flight of capital. This comment was left unanswered by the three Government Members who then followed including the substantive Minister for Finance and Development. The hon. Corporate Member commented earlier in this debate that the Government was apparently not prepared to believe him and to accept his opinion of this fact. Possibly the Government might be prepared to believe and to accept the statement of the Association of Accountants. It is here that I must join issue with the European Minister without Portfolio, he said that he was most impressed with the statement of the Association of Accountants, and then he proceeded to spoil that remark. He mentioned an enquiry from South Africa about local investment prospects as though he had successfully trumped the Accountants' ace. Now, Sir, there is nothing very remarkable about a South African enquiry as to prospects of investment in this country. Nor indeed is there anything remarkable about such a South African accepting our non-residents' rate of tax. What would be remarkable, even a miracle, would be if we were able to hear at this stage of our affairs that an enquirer with any appreciable amount of capital was prepared to change his domicile, and transfer his capital, and accept Kenya taxation as a resident.

The Minister used these words, Sir: "South Africa, where we are told everybody is going to send their money to". I ask you, Sir, to note the tense: "is going to send their money . . ." Sir, Kenya capital has been going away to South Africa and the Rhodesias for some years. Some hon. Members may have seen a recent cartoon of three little ostriches with their heads well and truly buried in the sand. There is a fourth ostrich gazing at them fixedly and remarking, "Not a soul in sight". Sir, since this legislation was mooted the flow

(Mr. Bompas) has started to become a flood. It is not something I think, Sir, it is something I know. It is going not only to the south, but it is even going to Britain where the purchase of War Loan can at this time give a tax free return to the investor of 51 per cent. This is not funk money; it is, Sir, to coin a phrase, pressure money. The flow is not a matter of conjecture; it is a matter of fact. If the Government will not accept my word for it, then let them enquire at the banks and the stockbrokers. "There are none so blind as those who will not see."

If the Government attempts to stem this flood by restrictive measures then Kenya will merely lose manpower as well as capital. The only solution is a move towards a more attractive, a more retentive tax structure. What contribution does the proposal for undistributed income tax make to this policy beyond putting it into reverse?

Why speak further upon the unspeakable?—upon proposals which border, in my submission, upon economic suicide.

Mr. Speaker, the House is already well aware of my views upon economy. May I merely quote Dismell's words: "There can be no economy where there is no efficiency". I look to the Government to honour the pledge given by the European Minister without Portfolio that any cuts to be made will be made intelligently.

In this context, Sir, I would ask for a review and scrutiny of economies which have been made, or are mooted, in the dispositions of administration staff, police, and security forces in the Central Province, and particularly in my own constituency of Kilambu.

Now, Sir, may I echo the plea of the hon. Member for Mombasa and the hon. Arab Member for expedition of the new central legislation. Every day that this is delayed is another day of direct expensio upon a control organization which has long since ceased to serve any really useful purpose and the indirect expense and waste of time and temper of all those who have the misfortune to have to deal with that control.

The hon. Member for Mombasa quoted from *The Economist*. I would like to quote of economist from the advertisement pages of the *Financial Times* as follows: "Wanted, economist;

40; single, whose spirit has been broken after many years of hard labour in the more stylish Government departments concerned with trade and industry; now considers himself qualified for a directorship. Poor organizer; no vision; no drive; no initiative; no nothing. Advertiser has a safe fireproof job but would like to mix with human beings. Write Box . . ."

Sir, my friend the Minister for Commerce, and Industry will forgive my quoting that advertisement when I remind him, as I said earlier on, that I, too, am a company director.

To conclude, Sir, I would ask Government to bear three points in mind apropos of the contemplated legislation to control insurance and assurance. First, it is only in the past very few years that leading insurance and assurance offices have plucked up courage to make any appreciable investment in this country, although I and others have been trying to sell them the idea for many years that they should invest their premium reserves where they are earned. One has only to look round this city and elsewhere to appreciate the extent, the growing extent, of this investment participation. This has not been confined to visible buildings, but extends also to investment in mortgages and local public and Government stock issues. Whilst it is proper that insurers who desire to operate here should produce proper declarations of solvency, and have an investment stake in the Colony, any over-zealotism or any forced channelling of investment may well reduce rather than increase those funds. Insurance investment managers know what their requirements are in both long and short-term investment and what their requirements are to meet specialized needs. They like to select; they do not take kindly to direction.

Secondly, Sir, rigid control of agents, canvassers, etc., and rates of commission, are becoming increasingly necessary, and should be embodied in the legislation. That, Sir, is the only way in which the price to the insured can be kept down.

Finally, Sir, I would plead that ample time should be given to all interested parties to study the basic principles and to examine advance drafts of any Bill. Local managers or representatives, will all have to submit details to their head offices abroad, who in turn will require to consult in the Accident Offices'

[Mr. Bompa]

Association, the Fire Officers' Committee and the Life Officers' Associations, both in Britain and in South Africa. This is a type of technical legislation which should proceed on a basis of consultation and negotiation, rather than by any form whatsoever of imposition.

I would commend the Government, Sir, for the co-operative and sensible way in which the preliminary discussions have already ensued. May this spirit be continued until an effective Bill emerges.

Mr. Speaker, I beg to support.

MRS. GECAGA (Nominated Member): Mr. Speaker, Sir, His Excellency the Governor's Communication from the Chair to which we listened last Tuesday, supplemented by the statement of Government policy contained in Sessional Paper No. 1 of 1958/59 covers a wide field. It is clear that despite the Emergency, economic and social progress has continued. But the Emergency has been for a long time now a heavy burden to all the people of this country, and more particularly so to the African people in the Central Province who, including the women, meet daily the many painful experiences by way of numerous Emergency restrictions which are still imposed upon them. It is therefore encouraging to know that the Government intends to continue to relax and lift these restrictions, and it is to be hoped that it will not be long before the State of Emergency can be declared at an end.

I am convinced that even greater and more rapid progress for the benefit of all the inhabitants of this country can and will be achieved when conditions return to normal. I am sure that members of the African community, and not least the women, will not be slow to realize this, and I would urge them to do everything possible to assist in restoring peace, and prosperity will follow.

I hope also that members of the European and Asian communities will not tire in their efforts to understand the problems which confront and perplex the Africans, because lack of understanding is often the cause of some of our mutual troubles.

Allow me, now, Mr. Speaker, to touch a little on the important question of Education, and with particular reference to women's education.

It is gratifying to hear of the completion this year of the African Women's Teacher Training Centre at Machakos which is to have 180 students next year; the partial completion of the additions to the Arab Girls' Primary School, Mombasa; the provision of further boarding accommodation for European girls at Eldoret; and of the good progress made in the work of the extensions to the Asian Women's Teacher Training College, Nairobi.

I hope, Sir, I shall not seem to be over-stressing this plea for women's education, and especially the expansion of education for African girls and women, but I believe that balanced and harmonious progress in this country will come only when the women in sufficient numbers receive adequate education. It is perhaps not always realized that the part which a woman plays in the home in particular and in the community in general is a most vital one. During their tender years, children are closest to their mothers. This is a formative period in which the mother can and does exert considerable influence on the formation of their character. Many of the seeds which are sown at that early stage take root and in time blossom out and later ripen in manhood. It follows therefore that if the mother is well equipped with good education she can prepare the children of today who will make up tomorrow's nation.

While on this subject, Mr. Speaker, Sir, I would express the hope that the Government, when granting bursaries for overseas education, will in future bear the needs of women more actively in mind. While appreciating the results achieved in the various schemes for African housing, I would like to make the suggestion that a positive attempt be made to move towards the idea of providing homes for a family unit in urban areas, as opposed to single rooms. In this connection, it would be well to give proper consideration to the needs of the modern African housewife, as well as to have due regard to the necessary hygienic and sanitary requirements.

However, the scene is not without encouraging signs, and credit should be given where it is due. I refer to the plans for the Riruta and Kangemi satellite towns to be built in the Kiambu District,

[Mrs. Gecaga]

which bear credit to those responsible for their drawing-up.

This problem of housing is linked up with that of health and social welfare. The health of a nation ought to receive a high priority in the list of any Government's programme. It is a matter for concern that economies have to be effected in the health services, although there is consolation in the assurance that the effecting of these economies will not result in the lowering of the standard of medical efficiency and care. It is to be hoped that only such economies as are absolutely necessary will be made.

With regard to social welfare, I welcome the promised Affiliation Bill and the Guardianship of Infants Bill, both of which will, I hope, help in providing a solution to a pressing social problem. The work being done by the various welfare societies, such as the Red Cross, is commendable and is bearing fruit. But the magnitude of the problem is immense, so that a great deal still remains to be done. While Government with the limited funds available to it cannot be expected to undertake more than a fraction of the necessary social welfare work, ways and means ought to be found of combining Government and voluntary effort in order to achieve the maximum and the best possible results. In this connexion it seems to me that there is room for increased and organized voluntary effort from the African community.

Mr. Speaker, Sir, I beg to support.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I have listened to this long debate on the address with somewhat mixed feelings, first of all because when one considers the content of the gracious speech one is struck by an omission in the debate. Apart from one or two Members, notably my hon. friend the Corporate Member for Commerce and Industry and my hon. friend the Member for Kiambu who sat down a few moments ago, there has been hardly any mention whatsoever of the very important economic problems facing us, as distant from the political problems. Quite frankly, Sir, I was amazed to hear certain Members, who, to a very large extent,

are responsible to commercial constituents, make eloquent speeches without a single reference to the commercial and economic problems facing this country. I repeat, Mr. Speaker, that a very important part of the gracious speech was concerned with those very problems.

Now, Sir, in the absence of some hon. Members it is perhaps difficult to deal with certain aspects that concern them particularly, but I feel I would be failing in my duty if I did not refer to one or two things that affect us all from the economic point of view. First of all, Sir, there has been in the last twelve months a most acute inventory recession in Kenya. It has been acute in that it has had an effect, a local effect, on the prosperity of the country. To a very large extent that inventory recession has worked itself out, but we are still subject to world forces, those world economic forces that affect the price of primary products; that has not yet worked itself out. I would commend to hon. Members, particularly those who think that there is a political answer to everything when the political answer is so often dependent upon the economic solution, a study of those facts and ask them to give us the benefit of their advice.

As I see it, Mr. Speaker, there has recently been some upturn in commodity prices. If that process continues, particularly if the level of demand improves for primary products, then we too will benefit, and we may be able to afford some of the things that certain hon. Members have asked for.

Now, Sir, I do not want to delay the House in talking about this aspect too long, particularly as apart from the distinguished exception of certain of my hon. friends I am talking about a subject that does not apparently interest many hon. Members.

Now, Sir, I would like to refer to a remark by the Specially Elected Member, Mr. Slade, when I think he said that Government did not always appear to welcome criticism. The Government welcomes constructive criticism and if I may say so, Mr. Speaker, the criticism the hon. Member occasionally gives us is invariably constructive, and I would hate him to feel that it is not welcome whenever he feels it is his duty to make it.

MR. SLADE: I think the Minister very much, but to put him absolutely right in what I said on this occasion any how, I was not saying the Government resents criticism but that it did not appear to welcome offers of help from the unofficial community.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I thank the hon. Member and say that offers of help are also welcome.

The hon. Member for Mombasa asked when the Scrap Metal Ordinance would be introduced. As the hon. Member is well aware, discussions with the interested parties, and there are many in this matter, has been going on. Nevertheless we hope that these discussions are more or less complete, and it has, Mr. Speaker, been necessary to have these consultations. We hope that it will be introduced not too late in this session.

Many hon. Members often ask for time for consultation. Well, Sir, it is not possible to have it both ways and in a matter that affects the trade very much and many users of metals, consultation simply has to take place, particularly where what is involved is some restriction on liberty.

The hon. Specially Elected Member, Col. McKenzie, had a natural interest in what is happening at Mombasa in regard to the airport. I would, if I may, point out to him that the hon. Member for Mombasa has been pursuing this question with great zeal and I hope with considerable success, and on the Order Paper he has a question down precisely on that subject which I hope to answer in the very near future. I think my hon. friend, the Specially Elected Member, would not wish me to anticipate the reply that I will be giving to the hon. Member for Mombasa, particularly as the aerodrome in question is within his constituency and so he has a very special interest in putting this question.

Another hon. Member has referred to the question of hotels. I believe that point was answered by my hon. friend, the Minister for Tourism, who is responsible for that aspect of the Government's activities.

The hon. Member for Kiambu referred in measured, and if I may say so, extremely moderate terms to the

possible flight of capital from this country, and he asked if the Government take the views of such responsible bodies as the Association of Accountants seriously. The answer is, of course, that the Government must take seriously the views of such bodies as the Association of Chambers of Commerce, the Association of Accountants, and, indeed, Sir, the words of the hon. Member for Kiambu. Naturally those words must be and are being taken seriously. He did, however, I thought, in referring to capital movement to the Union go a little far, particularly as it is not very long since the official statistics issued by the Union's Statistical Office, and I believe quoted by the Minister for Finance in the Union, referred to what had been a very small net capital investment in that country in the latest year for which we have the statistics. I do not wish to labour this point, but capital movements are not all that easy to measure, and I thought perhaps my hon. friend was going a little far, particularly as in regard to the Federation in the last 12 months it is very doubtful whether there has been any considerable net increase in investment in that country owing to forces outside the control of that Government, notably the decline in the price of copper.

I would also refer the hon. Member to the figures given by the East African Statistical Bureau showing a very considerable increase in capital investment in the East African territories. It is true, Mr. Speaker, that they do not draw the distinction between the three territories, and it is also true that it is only a calculation and not a completely authoritative figure. Nevertheless, those figures are there, but they do not necessarily, of course, destroy the hon. Member's argument which I think is looking towards the possible effect of matters that are at present being considered by a select committee appointed in another place.

Now, Sir, the hon. Member referred to insurance, on which he is expert. I have consulted my hon. friend the Chief Secretary on this and he assures me there has been no suggestion on the part of Government that insurance companies should be directed to invest their premium income according to the wishes of the Government.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair)

(Mr. Deputy Speaker (Mr. Conroy) took the Chair)

Free investment of premium income is a fundamental freedom of judgment by the insurance companies. I thought I had better just deal with that point quite categorically in case there should be any misunderstanding about it. Those who feel there is any merit or safety, except in times of war, or occasions of crisis like that, in directing insurance companies to invest their premium income in a particular country are, of course, neglecting to study the whole facts of sound insurance which has, after all, basically got the protection of the policy holder, whoever he may be, primarily in mind.

Sir, I do not think there were any further points raised which affect my Portfolio, but I would like to end on the note upon which I began, which is that political aspirations are natural, they are good, they are inevitable, but do not let any of us forget that those aspirations can only be achieved on a basis of sound economic development; and to return to the point made by the hon. Specially Elected Member, Mr. Slade, it is only by the help of hon. Members opposite and by their constructive criticism that economic development can be achieved under the guidance of the Government. This is a job in which we are all in together, and it is one in which the constructive criticism of Members opposite is of vital importance to the Government in framing what they hope will be the right policy for this country.

I beg to support.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Deputy Speaker, Sir, some hon. Members in this debate have expressed disappointment that no clearer statement of policy with regard to local government was made in the gracious speech. I would merely like to say, Sir, that that is not necessary. The eighteen-point in the eighteen-point programme which was accepted by the Government in 1954 and reaffirmed in 1957 reads as follows: "It is the Government's policy to increase the effectiveness of local

government in all areas particularly at the locational levels in African district councils and to proceed with the progressive devolution of responsibility for appropriate services from central to local government".

That, Sir, was the policy then; it is the policy now. Indeed, it was reaffirmed by His Excellency last year when he was speaking, in these words: "It is the established policy of the Government to foster and promote local government".

In many speeches, His Excellency and Ministers of the Government have expounded that policy and developed it. I think Sir, that if hon. Members will look back a little they will be able to see that there has been a steady devolution and a steady progress. There has been the creation of new county councils, there has been legislation passed by this Council on the creation of locational councils in African district council areas which was specially mentioned in the policy statement; there have been parallel councils either set up or about to be set up in urban areas; and, indeed, a most important parallel has been foreshadowed by His Excellency in his speech from the Chair this year, that is, the suggestion that parish councils should be set up, especially in Mombasa. I personally place a very great deal of importance on that particular part of the statement. New constitutions for local authorities are being formed all the time, progressively. We have Mombasa in front of us; there is an amendment to the Ordinance coming soon and Members of this Council will have an opportunity of debating that amendment; that will be very important amended constitution. The new constitution of the Nairobi City Council has already been passed by this Council and will be implemented next year.

There is that slightly troublesome, but, I think, very energetic and now, I hope, happy area of Eldoret where the new Constitution will soon be in force. Naivasha County Council has asked me to look at their Constitution with a view to amendments. Kitumu Municipal Board are thinking on the same lines; discussions will soon take place. There is also Kitale, and so on. So I do not think that any hon. Member can say that the development of local government is

[The Minister for Local Government, Health and Town Planning] going slowly, and as some say, remaining almost static. It is continuing and it is dynamic.

Another very important point and important development in local government is, of course, the extension and development of the electoral principle in many local authority areas. That especially applies to the African community, who have not had elected representatives in local authorities in the past. They will have such representation in the future. There also has been continual and studied adjustment to the representation on local authority bodies as different races, different areas in the localities, progress, become more important and, indeed, deserve a greater part in the administration of the particular locality concerned.

As far as financial matters are concerned, this House had the White Paper on the financial relationships between the African district councils and the Government before them this last year and that has been a very great step forward with regard to those particular local authorities.

Also the grant system for social welfare activities has been agreed and the policy is accepted. That again has been a step forward.

I agree, Sir, with the hon. Member for Rift Valley that with regard to finance it is very difficult for local authorities to expand their activities if their task of raising fee revenue for themselves from their ratepayers is not easier. In other words, as he put it, the central taxation should be reduced in order to allow local government taxation a wider range. In principle, I would most certainly agree with him, but, of course, we still have, as a central Government, to pay our way, and indeed, as has been made so obvious in this debate by hon. Members, expansion at this particular time of activities in central Government is not possible and the same thing, therefore, I am afraid, must apply to local government.

I would here, Sir, as I am dealing with one point made by the hon. Member for Rift Valley, just point out that the extract from the Government policy which I read out just now, showing that

the Government is determined to develop local government in a progressive manner, was from a statement made by this Government a long time before any party with the same programme and policy was formed.

Now, Sir, because it is so difficult for more free revenue to be raised either by local or central government, I think we will have to consider, in the extension of responsibility to local authorities, the more economic services. In other words, services that can more or less pay for themselves. In that particular group of services, water, I believe, is one of the most important. All the county councils have been addressed just lately by my Ministry, suggesting that they should consider taking over the water undertakings within their areas.

Now there is one difficulty, unfortunately. When the water undertakings are managed by central Government, they can put losses of one against profits of another. But when it is broken down into the areas of county councils, then unfortunately one finds that in one county council area the total operation of its water supplies would be economic; others would be economic and possibly slightly profit-making. But, as hon. Members will appreciate, it is not fair to expect central Government to transfer profit-making concerns only and be left with the residue of uneconomic undertakings on their hands—in other words, those being subsidized by the tax payer, as opposed to the ratepayer. So therefore adjustments will have to be made. I hope that the county councils themselves will be able to work this particular problem out. I would much rather they did it than that it came to me. If they cannot, then, of course, a decision and an order will have to be made. I think this is a very good opportunity, however, for all the five county councils to get together and thrash it out among themselves, so that the profit-making ones might be able to subsidize the uneconomic ones and the whole thing be tidied up and left in their hands.

That, Sir, I would like to emphasize is my policy and that of the Government, to avoid as far as possible instructions to local authorities and merely give advice and hope that they will work the problems out themselves.

[The Minister for Local Government, Health and Town Planning]

Some criticism has been made of the Government, either direct or indirect, to the effect that Central Government really has not helped local authorities as much as it should in grants, financial aid. I wonder if hon. Members of this Council realize that even without the contribution in lieu of rates which is a very large sum indeed in urban areas, the Government pays every year well over £3,000,000 to local authorities, in different forms of help, grants, etc. I do not think that the Government can be accused of being cheapsparing in this matter, when that figure is taken into consideration against the total expenditure of the Budget. This in spite of the fact that we are in rather a difficult position financially.

If I may turn, Sir, to the remarks made by the hon. and gracious Member for Nyanza, firstly I thank her very much for her compliments and then I would like to comment on her criticism that the policy has not yet been made clear with regard to local government responsibilities for social welfare and child welfare. I think she said that grants had been promised and that a number of local authorities who wanted to launch out on schemes of this sort were not able to do so because the money had not been forthcoming. I am afraid there is some truth in her remarks. The principle of grants and how they are to be paid has been settled, but the amount of money available to pay is very limited indeed and I come back to a remark I made just now—expansion is just not possible.

But even so, Sir, some £38,000 a year is being paid by the Central Government for social welfare activities, including day nurseries, women's welfare centres, community centres, libraries, almshouses, rest-houses, child welfare—I hope the hon. Specially Elected Member will note that last—and generally other matters.

I think that an interruption I made to the hon. Specially Elected Member's speech has underlined a certain aspect of this, that is, the difficulty of finding money for such projects as child welfare which almost every hon. Member in this House has put at the bottom of the list

of priorities. I will come back to that at the end of my speech.

The hon. Nominated Member, Commander Goord, criticized the dull paper, or the dull part of the White Paper concerning local government. Local government is dull, Sir; it is just as dull as the foundations of a house are dull. There is nothing *maridadi* about them—they are dug in, you do not see them, they are rough, but they are the foundations. I suggest that local government is in an exactly similar position, that with regard to nearly all activities, even political activities, in this Colony, local government is, or should be, the foundation. It is not in an attractive design but it has a firm foundation and there is no nonsense about it.

The hon. Nominated Member also said that it seems to him that local authorities were always battling with the government; well, Sir, I welcome this spirit, this battle spirit, of local authorities, because it shows that they are interested. They want to get on and they are showing initiative, but there is of course another side to these battles. Local authorities are in a position, Sir, where, whenever any matter is discussed and decided by a committee, that committee reports to the main council or board, and the report is then debated again and it is always reported in the Press. In other words, every discussion that takes place and every decision made is in the public view, and I am very glad to see that the Press takes it seriously and gives a considerable amount of publicity to these discussions. But I would say this: that if each decision taken and each discussion that took place in my Ministry, each letter that was sent complaining to local authorities about their own activities, were publicized, then I think the public would have a very different picture to what they have today. I do not think that even hon. Members of this Council would ask me to issue a five-page report every week of what letters I have been sending and what decisions have been made in the Ministry with regard to local government affairs. Also I would say that nearly all the complaints that are publicized and are made by local authorities boil down in the end to one thing only, and that is money. And indeed the

[The Minister for Local Government, Health and Town Planning] delays in reaching decisions by my Ministry are again usually due to where can such money be obtained. In fact of late it is even more difficult: if one feels that the project put forward is really worthy of consideration we go to the greatest pains to see how and where it might be financed. Often in the end we cannot find it. At least I think all local authorities would like us to make the effort to find the money to put their project into effect.

The hon. Member also stated he thought it would be better if there were more personal discussions and less correspondence between the Government and local authorities. Again, Sir, I agree entirely with him in principle: in fact he would be surprised at the number of clerks, chairmen, councillors and so on who come to my Ministry every day of the week and have personal discussions with my officers and myself. My officers are always travelling around as much as they can with the limited funds at their disposal, and I try to get around as much as possible too. The hon. Member must realize that it is very expensive to get a man round the country too often, and we have got something like—this is off the cuff, I do not know the exact number—probably something like 70 local authorities to deal with, and we cannot have personal discussions and personal contacts with every one all the time, but I do agree in principle, and the Ministry tries to follow this suggestion. One thing I will say: I will not accept any criticism to the effect that the Ministry for Local Government is remote from local authorities. I do not think that criticism could ever be justified. He also, Sir, criticized the bestowing of money by the Local Government Loans Authority from local authorities. If I may put it the other way, the investment by local authorities of money from the Local Government Loans Authority. This is a scheme which we launched quite lately, only in the last few months: money is lent to the Local Government Loans Authority on fairly short-term withdrawal periods—one month, six months, and a year—and in the last few months, the last six months, we have been loaned £180,000 by local authorities. Because this is short-term money we of course cannot make use of

all that: we feel we can make use of something in the region of £50,000 with security and still be in a position to be able to pay if these local authorities wish to withdraw their money rapidly on these terms which I have just described, and £50,000 in these days which is available for re-lending to other local authorities for development purposes, is no mean sum and is nothing to be sniffed at. Therefore I personally feel that this particular scheme is a success, and that possibly the hon. Member concerned did not quite understand what it was all about. He then suggested, Sir, that local authorities might be given permission to lend one to the other, the idea being that if one local authority finds itself running into the red for a short time, it might ring up the next door local authority and ask them to help them out, thus saving some interest rates—anyway bank interest rates. I will most certainly examine this proposition: I do not know if it is proper that local authorities should do the banking one to the other, but I will certainly examine it, especially as I understand that it is done in the United Kingdom, and Government will look into the whole matter.

He also suggested, Sir, that the local authorities he meant I think county councils especially—should take over community development. Well, again I would say that if they did take over community development, and if that were possible, unless they paid for it they could not expand, and there could not be any more money available. I would also like him to know that African district councils spend their own money on community development—£107,000 a year—and I am not sure that county councils would be prepared to face a bill anywhere near that. I feel myself that unless they are able to expand out of their own monies, the taking over of such an activity might not be to their advantage. On the other hand, it is an activity which is a justifiable one for local authorities to handle, and if they are prepared to expand it and develop it then I would be happy to see it taken over, again if the Ministry of Community Development thinks it practicable.

Now, Sir, he also mentioned this matter of water, and asked if water undertakings were taken over by local authorities, that they should be able to

[The Minister for Local Government, Health and Town Planning] take over both rural and urban water undertakings. I would say that that is a logical and proper suggestion, but of course again that depends on whether the rural water undertakers, who I believe in certain areas are associations of farmers, if they themselves are prepared to hand over to the local authorities. He did go on to say that if they took over the water undertakings, would the staff of the Government, who are now running those undertakings, be reduced, and I should say it is a very obvious fact that they would, I have no doubt about it, but I would not be surprised if the local authorities would want to have some of that staff seconded to them in order to take that job on.

I especially want to thank the hon. Nominated Member, Commander Goord, for his remarks about the Town Planning Department. He has been over this Department and found it was doing a lot of work with very little staff. Town planners have always had rather a raw deal, and indeed in this Council they have, over many years, as hon. Members opposite will remember. I am only too glad that some people in this Council are waking up and realizing what a great and valuable section this Department is, and I believe it is only looking back now that one can see how the deliberations and the plans of the Town Planning Department have helped this Colony and are continuing to help. I give one particular example: it is irritating at the time the Town Planners say "No, you must do the other, not that", especially for individuals. When you look back you find that the public in general have definitely gained. One example is in the shopping centres that have been growing up lately in Nairobi—decentralization of shopping centres. They are all very attractive and I know are greatly appreciated by the people living outside the centre of the city.

[Mr. Deputy-Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

Sir, the hon. Member referred to the failures and successes of local government, and he said that there were far

more successes than failures. He is right. I would like to say that I personally believe in local government, local authorities, learning the hard way. If local authorities do this then I believe they will be well and truly established, but if they are too pampered and too nursed by the central government I doubt if they will ever really learn to take responsibility. I refer to all types of local authorities when I say that, I would also say that most of the failures of local authorities—some of them have been publicised—I believe have been due to lack of courage on behalf of the councillors and representatives of the ratepayers' lack of courage in stepping out in front and leading people. It is so much easier to gain temporary popularity in allowing oneself to be led by mass uninformed opinion, and I think in many spheres that has been quite apparent lately in Kenya. Indeed, that particular comment is the only comment I wish to make on the speech, which I considered completely unconstructive, of the hon. Member for the Central Area.

The hon. Member for Nairobi North—I have a small short comment on his speech, on which I congratulate him as a maiden speech, on delivery and humour, and I think that that is an element which we require quite a bit of in this Council to relieve the tedium. But he did say that only Government can give political stability. I suggest that political stability might better come from the bottom rather than from the top: all hon. Members here might think more and do more about encouraging local responsibility, encouraging people to serve their own areas and their country by giving their time and thought gratis and free. That is a thing I have said before in debates in this House, that hon. Members should appreciate all local government is based on activities of elected and nominated people who get nothing for their services. I therefore would appeal to hon. Members to consider that very seriously and to promote and encourage people to spend their time and give of their time in local authorities in whatever area they may come from, because it is from there that stability can grow.

[The Minister for Local Government, Health and Town Planning]

The hon. Member from Mombasa asked me a question about parishes. I would merely say that if and when parishes are established in the Mombasa area they will have the capacity to raise funds. They will be able to have their own parish rates in addition to council rates.

He also asked me about Mombasa town plan, and I would merely say that the Mombasa town plan will be an overall picture? It will be zoned but some elasticity is quite essential in all town plans, and that has been proved time after time. He can rest assured that the town plan can and will be varied in detail if and when necessary.

The hon. and gracious Member for Uasin Gishu, as usual, Sir, spoke of really serious matters. The hon. Attorney-General has already dealt with the matter of the Affiliation Bill which I hope will help—only help, because it will only be a legal instrument towards the problem of abandoned wives and children. But as I say, it is only a legal instrument; more than that is necessary. A stirring up of public conscience is a real necessity, and I would like to say here, especially on that particular aspect, that I feel it is a special responsibility of hon. Members of this House representing Africans, who state that they are the leaders of the African community. It is their special responsibility to give close attention and give a proper lead on these matters, which to my mind are fundamentally and basically more important than the matters which are so often discussed in this House. I would ask them, and others, to give special encouragement to the new African Welfare Society. It is only a small group of people got together to teach the African community their responsibilities and, indeed, the essentiality of service to their own people in this sphere. It is an instrument to be worked with and it must be encouraged.

The hon. and graceful lady also mentioned the very worrying problem of juvenile prostitution. I can only say here that progress is being made, and I would give the hon. Member herself the credit for the progress that is being made. She

has initiated it and she has put all her energy and effort into it, and I am only too happy to report that it is probable that a centre will be made available where these poor children can be looked after; that a certain mission has already said that staff can be made available to carry out the administrative part and teaching part of this institution; that the Kenya Welfare Trust has stated that they will give some money to help bring out the staff; and we are going ahead on trying to find other forms of revenue and other sources whereby these children—these tragic cases—can be properly looked after.

Finally, in answer to the hon. Member, I can state quite categorically that in any institution of this sort where medical attention is required to cure the gravities of venereal disease, it will be provided by the Government free of charge.

The hon. Member also stated that she required her old—old chestnut, really—of her model building by-laws. Some people have been of the opinion that such model by-laws are impracticable, but I have received advice from many people interested and well qualified to advise on this matter, and I believe it is not impracticable, and that they are practicable. I, personally, thoroughly welcome the aid of the Institution of Architects and representatives of other allied professions. I have been told today that they are prepared to sit down and draft out these by-laws and would like me to appoint an unofficial committee to help me on this matter. I am only too happy to say that I would like to appoint that committee as soon as possible. If we can get this thing drafted out, the hon. Attorney-General has said he will do his best to help with the legal checking and drafting afterwards.

There is another matter which the hon. Member brought to my attention—a serious one, I think—and that was the lack of vital statistics for the development of sites. I believe it is true, there is a lack of vital statistics. I believe certain sites have been advertised for development without possibly as many statistics as should have been provided. I am going into that matter, and am taking it very seriously, and thank the

[The Minister for Local Government, Health and Town Planning]
hon. Member for bringing it to my attention.

Sir, the hon. Member, Mr. Nur-mohamed, asked about the amending Bill for the Mombasa Municipal Council. All I can say to him is that it will be presented to this Legislative Council early next year. It has taken a long time to obtain agreement from the present Mombasa Municipal Board and representatives of ratepayers to the new constitution, but it has been obtained. I only hope that no person who has agreed to the new constitution put forward, will go back on his agreement—back on his word. All I can say is that if anybody tries to do so—this constitution must go forward. Three years is quite enough, without talking all over again.

The hon. Member Colonel Bruce McKenzie brought up a complaint about the reception of Africans in provincial hospitals. I would only say I cannot possibly accept a general complaint. He then went on to say he had a specific case which he would like to put before me. I would be only too pleased and the Director of Medical Services would be only too pleased to investigate a specific case, but I do deprecate a general complaint without something to back it up.

The hon. Member also touched on the matter of the suggested loan granted by Unicef to the Kenya Co-operative Creameries. This matter has been discussed in detail just in the last few days with very senior representatives of Unicef and the difficulty has been that of the Kenya Co-operative Creameries. I believe, are slightly unwilling to take the risk of setting up a new dried milk factory because they do not think that the market has yet been developed to absorb their production. However, I hope that market will be developed and it will still be possible to have an extra dried milk factory when we see the market is in better shape. Meanwhile, I think it will be possible to have what he wants; that is, some of the money spent in buying local foodstuffs. I think we might be able to tide over the next year or two on this basis that he suggested—that Unicef might buy some local foodstuffs to make up a high protein meal

which would be available for African consumption at a reasonable price, and of course be of very great benefit from the point of view of nutrition. So I think, Sir, that his worries should disappear.

I would like to comment very shortly, Sir, on the speech by the hon. and gracious lady, Mrs. Geaga. I should like to agree whole-heartedly with her in her expression that the health of the nation must have the highest priority. She was disturbed, I think, by a passage in the White Paper which suggests that economies were going to be made in the health services. What I would like to say is that economies are going to be made, no doubt, in every service of the Government, and I hope that the health services will not be hit any harder than any other, and in any case she can rest assured that whatever economies are made, the standard of the health services will not drop to any great extent.

She also said that more voluntary effort should be made by the African community with regard to their requirements, especially in the social welfare field, and I so thoroughly agree with her. I hope she will be able to work out some means of interesting people in this matter.

Then, Sir, I merely want to come back to one matter I left over, and that is priorities, and indeed it follows on from the remarks made by the hon. Mrs. Geaga with regard to the health of the nation. It is all very well to lay down security services, economic services and social services and leave it at that. It is very simple and very itemized, but it is not something that you can stick to all the time. What are the assets of this country? Is not the population of this country its greatest asset? Therefore, the development of that population—is not money spent on the development of that population—is that not a development project? There are so many things—if you cut down on, which would affect others. That is a very bare statement and you cannot follow it in detail, it is just not practicable. Therefore, I suggest that hon. Members, when they lay down those priorities, should consider that it is over-simplification and there are other services that require sustenance and development just as much as the ones that may particularly interest the

(The Minister for Local Government, Health and Town Planning) persons who are making these rather wide statements.

Sir, I beg to support.

Mr. GUNSON (Nominated, Non-Government): Mr. Speaker, Sir, should like to join previous speakers in congratulating the Mover of this Motion, the hon. Mr. Rubia, (a) on being the first African chosen to move the Motion, and (b) on the able way in which he did it.

Now, Sir, in spite of what has been said by the hon. Minister for Commerce and Industry regarding politics, I am afraid that politics have been worrying us up-country for some time. With regard to the Constitution and His Excellency's remarks, I would say that they will go a long way towards reassuring some who have been feeling rather doubtful about the future on their farms in this country. But, Sir, I feel that we must follow this up.

It has been said that we have certain rights in this country because of our achievements, and I should like to stress that. It is not a trait of British people, Sir, to boast or brag about what they have done, but in view of the most extravagant, absurd and most extraordinary statements which have been made by some Africans recently—and also made, I am sorry to say, by some Indians, or Asians, whichever they prefer—I feel that we should keep on telling the world what we have done to develop this country. It was due to the spirit of adventure, courage—the guts, if one may use the word, Sir—of the early pioneers, both administrators and settlers, who opened up this country, not only for Europeans but also for the Africans and the Asians. It was due to the early administrators and settlers that some Africans were able to live in security and develop their holdings to a certain extent without being driven from pillar to post by other Africans.

Mr. Speaker, Sir, from what has been said by Africans and Asians regarding Europeans, it would appear to me that history is not in the curriculum of some of our schools. I claim, Sir, that because of our achievements, we have not only the right to be here and the right to our land, but also we have earned the right

to have the major say in the Government of this country. I leave it to others more capable than I to work up a case on these points.

After making a few notes about what I should say, Sir, I was interested to read what must have been a very interesting speech made by Sir Kenneth O'Connor a day or two ago, and also to read the editorial comment on his speech.

Now, Sir, going on to development—regarding remarks made on the development of the coffee industry—I feel, and agree with, what the hon. Director of Agriculture has said, that Africans who are about to plant coffee now should be warned that there may be a drop in the price before their coffee comes into bearing. As regards those growers who are now producing, owing to the rapid increase in acreage it is not possible to give the same amount of supervision as was the case in the past, so there may be a danger of a falling off in the quality. I would stress this is most important, Sir, that we should maintain our quality. I should like to take this opportunity of congratulating the Africans on the quality they have produced so far.

Turning to finance, Sir, I think most Members will agree that agriculture is our main industry. I am glad to know that finance for development may be made available by the British Exchequer, and I should be very interested to hear that we are taking advantage of that offer. It was a bitter blow to us, Sir, on the Board of Agriculture, when the amount which had originally been allotted to us for development loans was curtailed by something like a half. The thing that is worrying us now, Sir, is the question of the rate of interest. The Board feels that anything like seven per cent is too high a rate for long-term development loans. I do appeal to the Minister for Agriculture—I think we have his support—and I appeal to the Council of Ministers to give very serious consideration to the question of the rate of interest. We feel, Sir, that the highest rate should be 5½ per cent. I would like to suggest, Sir, that it is up to Government, even if they are borrowing money today at something a little more than 5½ per cent—taking it over the years I suggest that it is possible, and may be probable, that they should be able to borrow at a lower rate.

(Mr. Gunson)

I am trying to put it briefly, Sir; if they are having to pay six and a half per cent now for a few years and then later on they are able to get it to, say, five or even less, they should lend it to the farmer now at five and a half and take a chance on breaking even over the years. I am speaking of long-term loans, Sir, up to 15 years or even longer.

Just a few general remarks, Sir, we have heard a certain amount about the shortage of schools. We have also heard about the planning for farms, a certain amount of de-stocking. We have heard a certain amount about responsibilities. I would like to suggest, Sir, that some consideration might be given to family planning.

The question of taxation, Sir, is one I will not refer to, Sir, as it has been dealt with most ably by other speakers.

Rural wages. I was disappointed to see that Government intends to set up machinery so they will be in a position to fix rural wages if need should arise. I suggest, Sir, that is one piece of machinery we can very well do without till we are in a better position to afford it.

Now, Sir, in conclusion, I should like to support the appeal made by the hon. Minister for Housing, Mr. Amalamba, when he asked everybody of good will in this country to co-operate and so be able to solve our problems. If only we could have a political truce, Sir, so that we could get on with the economic development of this country, how happy we would all be. Mr. Speaker, I beg to support.

Mr. ZAFRUD DEEN (West Electoral Area): Mr. Speaker, Sir, it is a matter of gratification to me that His Excellency has for the first time in his communication mentioned the Asian community with particular reference in connexion with certain of our schools which are in course of reconstruction. However, Sir, I hold that where references are made in general terms in His Excellency's speech, the Asian community will also be included in that picture.

Sir, the recapitulation by His Excellency that partnership of all the races must be the basis of the Constitution will be welcomed by all those who call Kenya their home.

Well, Sir, here I feel I must express the feelings of a good many of my Arab friends whose confidence has been restored on the statement by His Excellency that the Coast area will be looked after according to the agreement between Her Majesty the Queen and the Sultan of Zanzibar. Sir, the assurance that partnership will be the basis of future Constitution is the only solution and the hopes of all the people in this country rest on this conception, regardless of the various conflicting theories which are propounded inside this Council. But, Sir, the success of this Constitution. But, Sir, on the whole-hearted co-operation of the entire population. We have watched events in this country for over a year and find non-co-operation and opposition by at least one section of the population is mounting. To avoid this rift and because the present Constitution leaves much to be desired, Muslim, Asian and Indian Members supported the Motion on calling a round-table conference. Sir, I refuse to speculate on the outcome of this conference, but those who have the goodwill of the country at heart will certainly find a solution which will be acceptable to all people. His Excellency has mentioned in his speech that the door for negotiation is open by agreement of all sections and I urge upon the Members of this House to consider this seriously and to turn down this proposal will be a negative approach, and I fail to understand why some people try to interpret it as an act of appeasement. I think that a new page is being, turned and the past must be buried.

Sir, I am not taking up the cudgels on behalf of the hon. Member for the Central Electoral Area, Mr. Travadi, I think he is capable of defending himself, but I am convinced the point he made that the Asian representation is inadequate is justified. Sir, inequality in any partnership makes that partnership ineffective. This is, however, a matter which could be discussed at the appropriate time.

Sir, His Excellency's speech contained all the important features and assurances and has raised hopes at a time when this country is going through economic setbacks and is overcast with doubts and misgivings. In my opinion the recession is not a figment of the imagination but it is real.

[Mr. Zafrud Deen]

We have heard with satisfaction the plans which are in hand about the European and African land, but, Sir, I feel that it is grossly unfair to leave the Asian community completely to its own devices and fate. I wish to tell the Government that the Asian community feels very apprehensive in regard to its place in the economic developments of this country. Sir, Kenya's wealth is in the land. In equity the Asian community should also be given a chance for exploiting that wealth. I say this particularly in view of the alarming rise in unemployment and the scope for the Asian community to enter services is getting narrower. Sir, the position today is completely different from what it was before the War. At that time the movement of the immigrant people in Kenya fluctuated under economic pressures but now the new generation knows of no other place except Kenya as their home. This fact must be faced and I feel the Asian community must have their opportunity to settle in life. If the Government does not realize this, the Government cannot escape responsibility and should include the Asians and give them their proper share in future developments.

Mr. Speaker, Sir, I will appeal to the Minister for Agriculture that he should appoint the Asian-Arab Land Settlement Board immediately and I should say here that what the middle-class Asian wants is a few hundred acres of land—not dry—where he can create a decent living within a reasonable period in this country. Sir, why the scheme for ten or 20 thousand acres of land failed was because some people interested in agriculture were asked to develop arid areas where they could not make a living and it was too big a risk for them to do so.

I believe, Sir, that an agricultural country such as this will need guaranteed prices for stable crops. This is necessary for the stability of the country. But, Sir, this should have some relation to the world prices and the prices in the neighbouring countries. It is beyond the comprehension of the ordinary man to understand why he has to pay Sh. 50 for a bag of maize, whereas he can buy it across the border for just over Sh. 20. Sir, I believe that some form of control in distribution of this very important

commodity is necessary, but I would ask the Minister to take cognizance of the fact that the Asian merchants depend on buying maize from the African producers in the African Reserves. This system has undergone drastic changes in recent years and Maize Control is now the sole buyer of all produce. Thereby the Asian traders have been completely eliminated and, indeed, there are several cases which can be brought to the notice of the Minister. I feel that this needs very careful enquiry.

Sir, now turning to the hon. Chief Secretary's Ministry, I agree that if the civil servants are reduced to a great extent their efficiency is bound to be impaired. From my personal observations I have found that the majority of civil servants are of a very high calibre, particularly the administrative officers with whom I have had many dealings. I believe that there are very few people who are not fully occupied in the Civil Service, and I wish to reassure the hon. Chief Secretary that the majority of the Members on this side of the House are not in favour of any retrenchment even if it is on very small scale because this is most inadvisable at the present time. There is one point, that the local youths must be given preference to overseas recruitment.

Sir, I strongly support the point made by the hon. Nominated Member Mr. Mohindra that the Asian broadcasting needs a thorough examination. To put this right it will be necessary to appoint an advisory committee. It has been said that the Asian broadcasting is a Cinderella of the whole broadcasting system.

With regard to education, His Excellency mentioned that the Asian education plans have been inaugurated but I notice that the plans made some years ago are still incomplete. I feel that new heads will bring a fresh approach to educational problems of this country.

After being questioned, the hon. Minister replied that sufficient playing fields and other amenities were provided for the Asian schools. I suggest that he should investigate further, and I will not be surprised if he finds that the Asian schools do need further facilities.

Sir, there is another point, about which we have all read in the papers lately,

[Mr. Zafrud Deen]

that the people of this country look upon co-education with disfavour. I would appeal to the Minister for Education to take steps to separate the girls' schools from the boys' schools.

Sir, the Asian community has pressed the Minister for Education upon the need for religious education. Unfortunately this fact has not been given the attention it needs. I would impress upon the Minister that he should give more attention to this problem. He will be given all the help he needs.

We are all keenly awaiting with interest the outcome of the Conference at Dar es Salaam and we sincerely hope that the Government will try to implement its recommendations.

I would like to say one or two words concerning security. It is a matter of gratification that confidence in security of person and property is returning after a serious increase in the crime wave. My feeling is that the general public not only consider the police as a guardian of peace but that they also look to them for protection. Occasionally we do come across cases where the general public is treated with indifference and impoliteness. There is some reason to believe that the attitude of the police is tinged with racial discrimination. I hope that this impression will be removed from the minds of the people.

So far as housing is concerned, Sir, I wish to say how grateful I am to the Minister for Housing for the way he is coping with the housing situation. I wish to thank all his officers, and I particularly wish to convey my thanks to the Somalis of Nakuru to the Minister for the very prompt action he has taken in solving the very awkward situation which arose when the Small Housing Estate at Nakuru was demolished.

Similar problems in other townships have arisen, but I am sure that when they come to the notice of the Minister he will take suitable action. I must, however, point this out; that in a number of cases the public are unable to raise funds to purchase houses. The slums are cleared and no alternative form of accommodation is provided. I feel that some cheaper form of housing should be planned, particularly for the Africans, so that they can build houses from their

own resources, as well as from their own materials.

I tried to raise with the authorities the point that, by removing what is considered from the health point of view a nuisance, very great dissatisfaction is created; and the sufferings and the afflictions of these displaced persons is something which is causing grave concern.

Sir, we all know, that the forests of Kenya are our national wealth. The policy which is being pursued by the Ministry in planting exotic softwoods will eventually help the demand for the local market, as well as for export. I would like to pay my tribute to the Chief Conservator of Forests and his officers for their efficient management of the forest estates. I would like to thank them for their co-operation and their advice, which they are most ready to give.

Sir, the sawmilling industry has provided the revenue for the promotion of the forest plans; and at a time of recession I would like to ask the Government to support this industry, not by subsidy but by protecting it from unfair competition.

Sir, as I have said before, without trying to sound racial, I wish to draw attention to the fact that the members of the Asian community, are dismayed at the position at present obtaining in the country councils and the African district councils. In all the townships, whether they are small or large trading centres, it is the feeling that we must have some form of representation. Their position must be secure; it must be clearly stated. Those who have lived for decades in areas where there were no roads have to face many difficulties. In some cases they are threatened with eviction. On all these councils proper representation for all races must be provided.

Sir, I would like also to pay my tribute to the social welfare work provided by local government. I happened to be a member of a committee for several years which took care of destitute persons and I know how many poor and destitute people there are. Without the care of these administrative officers, I really do not know where these people would have been. It is a social problem of great magnitude, and the whole population must be very thankful to local government in this respect.

[Mr. Zafrud Deen]

Sir, we are also watching with great interest industrial and commercial developments, not only in bigger towns, but also in smaller centres. I must again stress the point that whereas in the immediate future there is no prospect of the Asian community holding agricultural land, they should at least not be excluded from industrial and commercial opportunities whether these developments are sited in the Highlands or in the African reserves.

Lastly, Sir, I cannot help remarking that in this debate I have noted a radical change in the attitude of hon. European Members. This moderation, I hope, will endure and the insatiable obsession for domination which exercised their minds until recently will be discarded. As far as we are concerned, we will always side with what we consider is right, and the country will find that we will not waver in our resolution.

Sir, subject to these few observations I have made, I feel I must support the Motion.

MR. PANDYA (Eastern Electoral Area): Mr. Speaker, I would first of all like to congratulate the Acting Corporate Member for Agriculture on an excellent maiden speech, even though it was slightly controversial.

Sir, I welcome the departure this year from the usual tradition in that there is a Seasonal Paper, in addition to His Excellency's speech, which has been laid on the Table of this House, has made it possible for hon. Members to get more precise and detailed information on the very many points they wish to discuss and they can effectively tackle the problems that such statements inevitably raise. I trust, Sir, that this new method will be continued for future debates.

Sir, His Excellency, at the outset, discussed the constitutional changes thereby giving us the impression that the Government gave this matter very serious consideration and indeed considered it very important from the country's point of view. It is obvious, Sir, that there is a clear-cut and sharp difference of opinion on this vital matter affecting the interests of the people of this country.

Various speakers in this debate have outlined the main objections to the Constitution, particularly that it is an

imposed Constitution, that the method of electing the Specially Elected Members has its shortcomings—and indeed—I would like here to refer to the point made by the Minister for Housing that what is meant by control is that the elections to these seats are controlled and eventually, through these elections, the persons concerned, and that if the person did not meet the wishes of the majority of the voters he might not be favourably looked upon in the next elections.

They also complained that since the Council of State had limited powers over existing legislation it could not play an effective part in the set-up of the country.

Now, Sir, I do not propose to go into any further detail about or repeat arguments which have been from time to time brought forward in previous debates in this House. But, Sir, it is abundantly clear that the Secretary of State, made decisions on the Constitution without consultation with all of the groups; they were not the outcome of any negotiations as between the groups, for if they were, the situation would not have been so delicate and difficult as it is today. I think we must constantly remember that the non-European communities have consistently and indeed persistently opposed the imposition of this Constitution. The Secretary of State's Press statement, quoted in the speech by His Excellency, would have been most welcome if it was followed in letter and spirit and kept within its meaning and purpose.

What is required, Sir, in this country is that Government is truly representative of the peoples of this country in all its aspects, the composition of the Government as well as that of this House. We have often heard that a feeling of economic security is needed and that we must concentrate all our efforts on economic stability, but I dare to say that economic security must eventually depend on political stability; and if we are to have this everlasting effect on the trends of this country we must, by negotiation, in the true sense of the word, between all the people, work out our future pattern of government.

His Excellency, Sir, very correctly emphasized the spirit of negotiation in relation to the proposed set-up of the

[Mr. Pandya] Municipal Council of Mombasa. All communities have reached agreement, satisfactory to all of them, but only as a result of negotiation. I really cannot understand why this cannot be emulated in the affairs of Central Government. The failure of the present Constitution to please all sections is due to the fact that there have been no negotiations and these sections have had no say in its final form. It is because all the non-European communities are dissatisfied that they supported in June of this year a Motion calling for the appointment of a Constitutional expert, followed by a round-table conference. Is it too much of a sacrifice of principles—if it can be called that—to win the confidence of all sections of the people of this country and work together for the benefit of the country as a whole? The answer, I believe, is, in our interests and in the interests of the country, clear and obvious.

Now, Sir, my colleagues have answered some of the allegations that have been made by some of the Members of this House as regards sitting on the fence and grazing which side of the fence, I would just like to ask one question: is it a crime to act according to the merits of a particular situation which bears a measurement both from the community's and the country's viewpoint? The former measurement from the community's viewpoint is inevitable, because that is the set-up we have in this country. However, we must always keep in mind the broad interests of this country.

Mr. Speaker, Sir, the hon. Nominated Member, Mr. Nurmohamed, in the course of his speech last week wondered what efforts had been made by the Kenya Indian Congress to help in solving the Constitutional deadlock. I am pleased to say that the Congress has made in the past, and indeed is making now, great efforts to see that all communities get together. What more proof is needed than the fact that a Resolution as passed at the last session was transmitted to the Secretary of State through the Kenya Government, that the Indian Members of this House supported the Motion moved in June of this year and the fact that the Congress has delayed the implementation of this Resolution till the

end of the year is clear proof, if anyone needs it, that all parties want the much-needed time to get together to work out something that would be in the interest and for the benefit of all communities. I think it is now time for Government to seize the initiative and make a bold declaration that will satisfy all sections in this country.

Mr. Speaker, Sir, I want to refer very briefly to a point that has been made by other Members in the debate about the size of the constituencies. I know from personal experience how difficult it is to represent an area that covers from Mombasa to as far as Athi River. It becomes very difficult to represent not only such a large area, but such a large number of voters which now borders in the region of over 12,000. I really am surprised how reasonable and responsible people can think that Asians have adequate representation when they have more seats for a very much smaller number in this country. I wonder what principle is applied in this instance and what standards, except the obvious one of glaring injustice to the Asian community, it would be interesting to know.

Mr. Speaker, Sir, I am glad that the Minister of Agriculture will be taking part in this debate later on—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Provided I get the opportunity, Mr. Speaker!

MR. PANDYA: I am very thankful to the Minister for this explanation.

Mr. Speaker, Sir, I now turn to make a few remarks on marketing. This country has been saddled with controls ever since the war and it is surprising that in spite of the determined and persistent opposition of the commercial community, they have not yet been removed. Sir, the argument is consistently advanced that the producers require protection, but I wonder whether people have ever thought of the interests of consumers and their aspect of the cost of living. This, Mr. Speaker, Sir, is in my opinion a vital question. Is it right that controls should allow deterioration of all items of produce so long as they are not able to obtain their record and reserved prices from local purchasers; and that such items should be in local storage until they remain fit for cattle-feed, and not for

[Mr. Pandya]

human consumption. Most of the items so treated in marketing are essential Asian food requirements so it means that the Asian community is fed with deteriorated stuff as no importation or inter-territorial movement is allowed for these items. We must remember that in the neighbouring territories, there are no controls, and that this fact alone would make it very difficult to make the controls effective in this country. A reasonable solution—and I believe the only reasonable solution in this case is to accept the principle of free trade which is in the interests of the majority of the inhabitants of this country, and let the consumers benefit by the operation of the law of supply and demand.

Reference has been made to the proposed creation of a maize board. We shall have an opportunity to discuss this Sessional Paper but I would just like to say that it seems the underlying idea is to continue the system of guaranteed minimum prices, of avoiding the normal trade channels, and retaining the evils of control. However, as I have said, the Minister will have a better opportunity to give his answers in another debate.

Several previous speakers, Sir, have referred to the question of crime. I do not want to enter into any great detail at this stage, but I want to bring out another aspect that affects very much the peoples of this country. That is, that prompt action and attention is also required in cases where persons are held on suspicion. Such investigations must be expedited, for lethargic, prolonged and clumsy procedure defeats the purpose of such wide powers given to police officers as reputations are slighted of people who have only been held on suspicion. Where there is no prima facie case, I would like to see that immediate release does follow such investigations.

With regard to the provision of electricity—and I am sorry my friend, the Minister for Commerce and Industry has just left—I welcome the development in many areas, but may I suggest that a survey be carried out in the Voi area to see if a supply of electricity can be made available, for the people of this town are insisting on this facility and they would like to know whether such a facility is possible in this important and growing

town, particularly as it happens to be in my vast constituency.

With regard to the report of the committee of enquiry on rent restrictions, I do strongly feel that the Government should publish this report. The public is anxiously waiting for this publication, and I believe it would have been better if an opportunity had been given to this House to debate the report and then draft the Bill, for the very valuable recommendations of this House could have been incorporated in the draft Bill that is proposed. I do request the Asian Minister without Portfolio (whom I see is making notes) to give this House an assurance that he would like to follow up this line.

I now wish to turn, Sir, to education, and I would like to take this opportunity of congratulating the Director of Education on an excellent maiden speech. It was heartening to hear his statement that he hopes that financial difficulties will not hamper him carrying out his many responsibilities in the light of his educational experience. There will be an opportunity later to discuss the Woodhead-Harper Report which is now under consideration by the Advisory Council on Asian Education. The financial situation has created an impossible position in the provision of school buildings. His Excellency referred to the fact that the building of a new primary school at Mombasa is planned for this year, but Sir, we should have had buildings in Mombasa ready by January next year. Due to this existing shortage of accommodation and the fact that the age of entry will be five and a half from next year, dual sessions will have to be introduced. This is against all ethics of education as far as Mombasa is concerned. May I therefore suggest, Sir, as an immediate expedient and to overcome this impossible situation that we have some temporary buildings, particularly those more popularly known as the *banda* type which are very suitable to the climate of Mombasa. This would to a very great extent alleviate the pressing shortage that is existing at the present moment.

The method of collection of fees I believe, Sir, should be uniform for all races as it has transpired that the Government has lost thousands of pounds in fees. The fees, Sir, should be collected

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in advance as has been done in the case of Asian schools, for on one side, we talk of financial stringency and on the other side, we have great wastage by the non-collection of school fees. This position, Sir, is very unsatisfactory and I trust the Minister will look into this matter very carefully.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): It is time for the interruption of business. I therefore adjourn the Council until 2.30 p.m. tomorrow, Wednesday, 12th November.

The House rose at sixteen minutes past six o'clock.

Wednesday, 12th November, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PRAYERS

MOTION

LIMITATION OF DEBATE

THE CHIEF SECRETARY (Mr. Coultis): Mr. Speaker, Sir, I beg to move:—

THAT the following limitations be placed on the debate on the Motion moved by Mr. Rubia expressing thanks to His Excellency for his exposition of policy:—

(a) All further speeches, except that of the Mover or his nominee in his reply be limited to twenty-five minutes.

(b) That the Mover or his nominee be called upon to reply at 4.30 p.m. on Thursday, 13th November, 1958, if he has not been so called upon before that time.

Hon. Members will probably recollect that I informed the House that the Sessional Committee had agreed we should set apart five and a half days for this debate and it also had agreed that there would be no limitation in time for the first three days of the debate. It was therefore incumbent upon the Sessional Committee yesterday to decide what limitation should now be placed upon the debate. It was felt that for the latter part of the debate it would be fair to allow all remaining speakers approximately 25 minutes, other than the person called upon to reply. Therefore, this Motion expresses the wish of the Sessional Committee, in this matter.

I therefore beg to move.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Resumption of debate interrupted on 11th November, 1958.

MR. PANDYA: Mr. Speaker, Sir, when the House adjourned yesterday, I was

[Mr. Pandya] dealing with some aspects appertaining to education. I was surprised to hear the Assistant Minister for Education yesterday say that not enough intelligent Asian boys and girls were going into the teaching profession on leaving school. I think, Sir, he needs to be enlightened on this one. He would be interested to know that there is a waiting list for admission to the teacher training colleges, even for the first-grade boys and girls who have passed in the Senior Cambridge examination. I think he would agree with me that those who pass first-grade examinations could be considered as intelligent.

Sir, the Director, in giving figures of trained and untrained teachers in schools the other day brought out the fact that the Asian community has got the smallest percentage of trained teachers as compared with other races. Whilst the supply of primary school teachers is getting to a state where it could be called adequate, it is the supply of secondary school teachers that is causing great anxiety to the Asian community. I would like to suggest here that the Government may consider the desirability of instituting two-year courses, after students have attained higher school certificate. In the meantime, the scholarship scheme for specialist posts should be extended to meet the major demands of the Asian community.

Yesterday, Sir, the acting Corporate Member for Agriculture spoke on how the Europeans had done for and how much they had contributed to the development of this Colony. I would like to say here, Sir, that we are all well aware of the developments and the contributions to the various activities that have taken place in this country for the last half century, and I hope he will agree with me that the Asians have also contributed equally to the development of this country. Statements such as the Europeans have a right to the land they hold and that they must have a major say in the government of the country do not help to foster happy relations between the different communities. Such views, if I may say so, Sir, are out of date and bear no relation to present trends. I do not want, Sir, to go

any further than this. As I said earlier, his was an excellent maiden speech, apart from one or two controversial references which I thought I would like to comment on.

Sir, I would like to support the hon. Member for Mombasa in his observations on the currency restrictions. The net result of the latest Government announcement has been a loss to genuine and potential tourist trade, without in any way benefiting the Government. I can say with confidence, Sir, that there is no black market in hard currency or any other foreign exchange, in view of the fact that people are realizing that restrictions on these currencies are being relaxed gradually and there is a possibility of greater convertibility in the not too distant future. If, however, there is any black market it is so negligible as not to worry the Government and create hardship to the genuine traders of this country. This action of the Government results in a net loss to trade and with no great advantage to the country as a whole, I hope, Sir, the Government will review this inadvisable step it took about a month ago.

Now, Sir, the Government concluded, about a month ago, an agreement for £4,000,000 road development finance with outside contractors. This was indeed an encouraging announcement that is very much welcomed by people in this country, for it will certainly inject new finance into the economy and development of this country. But it is most regrettable, Sir, that the Coast Province, in spite of the fact that it contributes greatly towards the economy of this country as a whole, should have been left out. The Road Authority, I feel, Sir, should reconsider, if they have already considered this, the priorities in the light of the fact that there are many important industries, such as tourism and sugar, which deserve special consideration in this particular case. I want to emphasize my point, Sir, by referring to an industry at the coast which is spending over £1,000,000 on new development to increase the production of sugar, remembering the words of the Minister for Agriculture, that the requirements of this Colony have yet to be met by imports. Here is colossal development in

[Mr. Pandya] this country, and a mark of faith, if it were needed, in the future of the country.

And what are the roads like? Here is a report that appeared in a newspaper in Mombasa last week. "By no stretch of the imagination could this road be described as a first class road—even for Kenya—and this is somewhat surprising in view of the important industry it serves." It is commonplace in wet weather to see lorries loaded with sugar stranded in quagmires or at the side of the road, due to mechanical failures resulting from constant and excessive wear and tear. Whilst such development is taking place at the coast, is it too much to expect that Government should do something to improve the conditions of this road which is serving this industry, and which in turn is contributing very largely to the exchequer of this country?

I hope, Sir, that the Minister will convey to the Road Authority the strong opinion that is held by members of the Coast that the Coast Province has been neglected in this development of the country.

Now, Sir, I would like to take this opportunity of congratulating the Minister for Tourism for his drive, energy, enthusiasm and initiative and his readiness and his keenness to promote and regulate the aspects of tourism which will benefit the whole country. This aspect of tourism is a great earner of hard currency and foreign exchange and we must do all we can to support the Government's efforts in this direction. Private enterprise with Government support where necessary is putting up first-grade hotels in many parts of the country, hotels of a standard that are the envy of other countries. This will no doubt help to boost up this great industry of ours and attract visitors in increasing numbers from abroad. I am glad that the East African Tourist Travel Association is given much support by the Government, particularly financial support, which is so richly deserved, for I remember that its finances have often been so low that they have not been able to give adequate publicity to this fascinating and varied country.

Finally, Sir, I would like to refer to the question of military training. One welcomes the fact that the King's African Rifles is open to all races and that lately, commissions have been offered to people of all races for training in the best and recognized establishments abroad. It is, Sir, a little difficult to understand why the Kenya Regiment is still maintained as a racial territorial force whereby many opportunities are denied to other races to acquire further excellent military training. I do not understand the necessity of having two separate forces. Let people of all races play their part in the preservation of law and order and in the defence of this country instead of indefinitely seeking the help of outside battalions. The youth of this country, irrespective of race, is determined to play its part in the defence of this country and so I feel all racial barriers must be removed to give further proof of our resolve, our firm resolve, to see and maintain this as a land of all people who consider this their home.

Before I sit down, Sir, I have been asked by my colleague, the hon. Member for Central Area, Mr. Jamidar, to make an explanation with regard to the remarks made by the Minister for Legal Affairs in this debate last week. The hon. Member had mentioned that he was shocked at reference to freezing of seats. I think, Sir, the HANSARD says—and this is what he did say—that he was disappointed, not shocked, at the reference in the Communication to freezing of seats.

With these reservations, Mr. Speaker, I feel I must support the Motion.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, a number of points have been raised on the agricultural aspects of the gracious speech from the Throne, and I propose to start with those by the hon. Specially Elected Member, Col. Bruce McKenzie. The question of irrigation schemes and their economic viability was partly answered by the Director of Agriculture, and I can only say this: that both in Perkeria and Mwea-Tabere, we have been forced into schemes ahead of the time we would naturally have chosen by the pressures of the Emergency. We have not at the moment any plans for a wide-spread and heavy expansion of irrigation

[The Minister for Agriculture, Animal Husbandry and Water Resources] schemes. The knowledge that we get from Perkerra and Mwea-Tabere will be of value to us and I think in the circumstances of the time, we were absolutely right to start them. There is one political aspect of those schemes to which I would like to draw hon. Members' attention. Where you have an area such as Perkerra which is an arid, semi-desert area and people are very much in despair at not being able to make a living, nothing is more encouraging to them and nothing brings them more firmly in support of Government than tangible evidence that Government wishes to help them. I believe the Perkerra scheme has substantially changed the outlook of the Tugen which will enable us to embark with greater rapidity on such items as destocking, pasture control and the development of ranches in that area.

For that alone, I would have said that the scheme was well worth while. Finally, may I remind the hon. Member that the money was generously given to us by the International Co-operation Administration. He also asked me, Sir, whether blue-prints were coming forward for new schemes in the future when money was available, and I am slightly in the dark as to what he meant. The hon. Member is a member of the Water Resources Authority which is the authority which advises me on planning so that he must be, in detail, at any rate, more in touch with that particular problem than I am. The information that I have is that the pressure on our technical staff is so great in the producing of immediate and existing schemes that the Water Resources Authority (of which I stress the hon. Member is a member) has had to prepare a list of priorities. If that is so, then the hon. Member could, I believe, really have answered his own question.

He also raised with me the question of turning over money on water schemes more quickly. I would only comment as follows: it might be attractive to raise the rates of amortization and repayment charges on these schemes, were it not for the fact that very soon water charges, especially in certain of the schemes, become burdensome upon the agricultural industry. Although a quicker rate of turnover, Sir, would enable us to expand water schemes faster in terms of avail-

able money, the fact remains that it is simply no good piling on the charges on to the farmer so that the effect of the water scheme, far from being helpful, becomes destructive. He mentioned to me, Sir, that there has been a large movement into the sheep industry, and I entirely agree with him, and asked what we are doing about finding markets. Well, that is largely a responsibility of the Kenya Meat Commission, and as far as I know the chairman has already visited Rhodesia with a view to exploring markets for the export of mutton. If that is to come about, then I must stress to hon. Members that there will need to be a reduction in the price of mutton, because the price at which we maintain the high-quality mutton and lamb of today was one to encourage the expansion of the industry. Once that expansion is achieved, and export values have to be brought into consideration, the local price will need some adjustment.

He also raised with me, Sir, the high rate of interest on development loans, and I would entirely agree with him on that, except I would say this: it seems to me that these high rates of interest are in effect really a red flag to the agricultural industry. When there is over-production, a drop in prices, and interest rates become high for a number of reasons, then I think it is wise for the agricultural industry to consider whether it should not slow down the rate of its development accordingly. We can do very little about these high rates; they are governed by the terms of the money markets overseas from which we borrow the finance, and the only comment I would make on that is: where the interest rates are high, then I think it is an automatic break on the development which the farmer is able to carry out which may be wise in terms of the productive situation of the moment.

He raised the question of barley and the importation which is the equivalent of 160,000 bags of barley in brewing materials and that is a matter I would be prepared to discuss with the brewing industry to see whether we cannot induce them to use more local products. As the hon. Member said, I think, one firm does and also supplies other firms. But if we could expand the local production of malt, then undoubtedly

[The Minister for Agriculture, Animal Husbandry and Water Resources] we could absorb a tremendous amount of our barley crop at better prices than today.

He also raised the question of the expansion of the potato market, and I think hon. Members must advise me on this: do they really want to move towards complete nationalization of the agricultural industry, because that is what many of these suggestions are leading to. Now I would object to that. I do not believe that we should move towards nationalization of the agricultural industry. It is absolutely true that there is a market for potatoes both in Aden and Mauritius; it is equally true that there are adequate facilities for servicing it if it was done efficiently. Now, there is a co-operative in Nairobi; there is a co-operative in the Meru District which could organize the movement of potatoes. I believe, to these overseas markets if they so wished and if they had the necessary control over their growers. Now, I do not know whether hon. Members will agree with me, but certainly the speaker to whom I am referring will. It will be perfectly possible for me after some laborious debate in this Council to produce a Potato Board, but I do ask hon. Members, where are we going to end in the building up an construction of these Boards, and when people ask me what I am doing about organizing the flow of potatoes to Aden and Mauritius, my answer is that Government does not wish to nationalize the industry. The industry should be comprised of aggressive, acquisitive, independent pioneer spirits, and if that is so, let them organize the movement of potatoes to Aden and Mauritius. I will be dealing with the Maize Control, and whether the hon. Member will feel quite so inflamed when I have done so I do not know.

Now, Sir, he raised also with me a subject I know is dear to his heart: that is, that we should reduce the number and size of all the large boards and their committees. I have actually examined this in my mind, and I want to put some of the difficulties to the hon. Member. In what way are we going to amalgamate the Boards? Are we going to add Uplands to the Kenya Meat Commission; and if we do, what are the likely repercussions upon the Muslim con-

sumers of the Meat Commission if they have such a place associated with their product? These are matters that we have got to examine with realism, and I do not believe that it is possible to amalgamate Uplands and the Kenya Meat Commission. Does the hon. Member want to marry the dairy industry and the Coffee Board on the grounds that people drink *café au lait*?—because if we really get down to tin-tacks, is it possible to do much integration of the Boards which serve varying sections of the industry with very different backgrounds. I personally think that it is an attractive theory, but one that needs to be examined with caution.

Lastly, Sir, the numbers on the Board. Now I am going to speak frankly: it is my personal view that we would do far better to have all our boards of a very small number, composed of the best possible people to do the job. But hon. Members who have been in this Council for a number of years know that any such ideal is utterly impossible unless you, the hon. Members opposite, are prepared to accept that the Government steam-roller is a real steam-roller. By the time one has met the European producer interest, the African producer interest, the interest of the Arabs, the interest of the non-Muslims, the interest of the Muslims, the interest of the business men, the interest of the Treasury, wide experience in a number of other spheres, it is a miracle that any Board is under 20 persons in number. Now, I do ask the hon. Member to face facts. I am perfectly prepared to come forward with the suggestion that the Maize Board should be composed of only four people: an independent chairman, one producer, one business man, and one Government representative, and I would like to see what reception such a suggestion would have in this House, especially from my hon. friends on my right.

Next, Sir, the hon. Member raised the question of the application of the G.M.R. and may I say on this occasion that I am in agreement with him, and I have already set in Motion an examination of how we could extend the short-term finance available under the G.M.R. to a wider number of products than, for instance, maize and wheat.

It will mean an amendment to the Agricultural Ordinance and it will also

[The Minister for Agriculture, Animal Husbandry and Water Resources] mean, I think, on the basis of Government by agreement, extensive discussions with the industry concerned. But I am in agreement with the hon. Members that we should do this, particularly, if it is at all possible and if the industry wishes it.

The hon. Member also raised the question of compulsory membership of the K.N.F.U. I am not disposed really to favour that. I do not like the idea of moving legislation which forces persons to be members of a union. Already, every farmer, other than in tea and sisal, who is a registered member of a statutory industry, is automatically a member of the K.N.F.U. As I have said, I am prepared to examine it, but I think I ought to warn the hon. Member that I am not myself disposed towards it, and I doubt if it is in favour with the House generally.

Now, Sir, he also raised the whole question of quotas, especially in the maize industry. What I wanted to say on that is this: I am not committed to quotas. If the hon. Member will look in the Sessional Paper which was published, this memorable phrase appears there: "The question of quotas will be considered". Now, Sir, I understood that to mean in governmental words that the Minister was not committed and would indeed reject it if he wished to. There are pro and cons, in my opinion, over the quota, the individual quota, in the maize industry, and I am not prepared at the moment to commit myself to the use of quotas. I think there are substantial disadvantages in it.

Lastly, Sir, he raised a number of questions dealing with specialization, the recession and expert investigation. Now, on the question of specialization I would say that experience over many years seems to indicate to us that specialization in one high-priced crop built around a mixed farming system is wise. I do not believe, unless we have actual evidence which may be produced for us, that pure specialization is wise in a country like this, because it opens the individual to the onslaughts of disease and weather so very much more heavily than if he has a number of irons in the fire.

He also asked, Sir, whether the recession should have hurt farming as much

as it has. I think that any sudden drop in agricultural prices must mean a shake-up in the industry. It is unwise, I think, for anybody in a position of responsibility to venture any views at all in this country because the critical capacity of the people of this country is so great. But on that basis, Sir, I would put forward the thought that possibly the agricultural industry will emerge stronger from the necessity to examine every aspect of its production which is forced upon it today than it would have done had it been allowed to continue in a large and slightly amorphous atmosphere of expansion.

Finally, Sir, the hon. Member asked me whether I thought the time was opportune to get two experts of vision from overseas to look at the agricultural industry as one problem. Well, Mr. Speaker, I am not disposed to accept that. Looking back over the years in this country, and I am sure that some hon. Members will agree with me, I think we have suffered a plethora of these visits and on the whole I do not think they are advantageous to us. One of the reasons I do not think they are advantageous is because (the farming in this country is highly intricate, highly fragmented and ranges from the coast to an altitude of about 10,000 feet. I do not really believe that a man of vision from overseas would be able to pinpoint exactly the lines upon which farming should develop in a way that would give us confidence. You have only got, Mr. Speaker, to visit any farming districts to see as well as a multitude of individuals the extreme success of a number of them in highly divergent systems of farming. Indeed, Sir, the success of farming is more tied up with the capacity of the individual than it is with the rule of thumb. I do not really believe that the importation of a specialist of that sort would benefit us.

Now, Sir, a number of the Asian Members raised the question of land for Asian settlement. As I have already indicated, I have some sympathy for them although they were kind enough to point out that my sympathy has not as yet brought any fruition. Well, Sir, the position is as follows. It has been implied to this Council that with an Arab and Indian Settlement Board a tremendous flow of Asian would spread all over this land. I think we must judge the matter from

[The Minister for Agriculture, Animal Husbandry and Water Resources] past experience. The Indian and Arab Settlement Board was wound up on the advice of the Board itself which recorded in its minutes that it regretted to say that there did not appear to be a great anxiety among the younger members of the Asian community to farm. That is a record of the Board; it is not the evil imposed record of the Government. It is a record of the Board.

I explained to hon. Members some time ago that there is an area of land around Mackinnon Road which, now that water is available, we could develop. It was our intention to develop it on completely non-racial lines, but at the request of the hon. Asians Members I have held that up and we are examining whether we could develop an Asian settlement there. You may well ask why it has taken so long and I will reveal the fact to hon. Members: it is due to the necessity for consultation with unofficial interest and we are awaiting the advice of the Coast Land Advisory Board, of which the hon. Member for the East Area is I think an experienced member, before we can proceed. When I have had that advice I will then be in a position to go forward with this scheme.

I would only want to add one word of warning. It is no good, and I know hon. Members will agree with me, our placing even the best Asian boys on farms unless they are satisfied that they can make an economic go of it. The hon. Member Mr. Zafrud Deen talked airily about one or two hundred acres. Certainly in some of these areas we should have to give them much bigger acreages if they were to justify the water charges.

I think, Mr. Speaker, that that deals with the many points that were raised about Asian settlement. Whether we can reconstitute the Board is a matter, I think, for discussion between myself and the Asian Elected Members, and also the amount of finance which Government can contribute towards it. Before we decide to do so I would ask hon. Members to acquaint themselves with the past history of the Board.

Now, Sir, a number of the Asian Elected Members, and I will not specify them by name, made savage and sudden

onslaughts upon the whole principle of maize control. The first point was that it would inevitably reduce the economy of the country. That is not so. Organized marketing enables the producer to get a more balanced profit and thus he is enabled to trade in a wider and better sphere with the owners of dukas and the trading community. I believe that it is erroneous to think that to allow the producer to be beaten down by a speculating trading element at the end of a hot day, as I have already indicated to hon. Members used to happen, is the best way of stimulating the economy of this country.

Again, Sir, we were told that this was an evil measure which was designed to eliminate that man the Asian trader from the economy of the country. I therefore took the trouble to find out what the facts are. The facts are that in Nyanza 156 Asian traders are registered with the Nyanza Marketing Board. That figure has remained constant over ten years. So it does not look as if there has been any squeezing out of any Asian traders over the last ten years. In the Central Province there are no less than 48 who are licensed and who are registered traders for the same purpose. I therefore thought that I would like to look at what percentage of some crops passing through control are handled by Asians or other races. I think that the results are very revealing and I give them to the hon. Member in the hope that this attack upon organized marketing on the grounds of eliminating a single race from the enterprise of the country will not be pursued.

Ghee: 100 per cent passes through Asian trading hands; paddy: 100 per cent; wimbe: 99 per cent; simsim: 96 per cent; greengram: 96 per cent; groundnuts: 78 per cent; sorghum: 58 per cent; cassava: 38 per cent of the whole is handled by Asian traders. I do suggest to the Council on that evidence that hon. Members cannot get up and tell me that the Asian community is being squeezed out of the agricultural economy of the country, apart of course from farming.

Now, Mr. Speaker, a number of hon. African Members have raised questions—

SIR CHARLES MARKHAM: They are not here.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Well, of course, the hon. Member for Ukamba has not got eyes in the back of his head, but if he looks forward he will see that there are some on this side of the House.

A point was raised as to what we were doing in the Kitui/Machakos area to improve African livestock. Well, Sir, we have a livestock improvement centre at Machakos and there are grazing and ranching schemes in Machakos, Yatta, North Yatta, Kitui, and Athi River. I think that is really quite an extensive arrangement for the improvement of stock in the Machakos/Kitui area. I will examine whether it is possible for us to accelerate the provision of improved stock in that area because I feel that in terms of the numbers of stock our present provision is rather low.

Now, Sir, again a number of Asians asked what we were doing for Asians in agriculture; and apart from a specific issue of settlement I would like to record that the sugar industry of this country is almost entirely in the hands of Asian producers. The production is most efficient, and I do not know whether hon. Members know it, but we do give it a considerable subsidy every year to help it meet with the climatic disabilities which it suffers in comparison with Uganda. That has enabled the industry to go from a production of a few thousand tons to many thousands of tons in the last seven years. We have also built roads in the Chemellil area and Kibos area for the movement of the produce.

At the coast we have a number of coast agricultural stations which are able to service the Asian development which is taking place at the coast, but I do not think, Mr. Speaker, that I will deal with that in detail because I might possibly occupy hon. Members' time too much.

The hon. Corporate Member, and I would like to congratulate him on his maiden speech, which was very forthright. We use "forthright" Mr. Speaker when it is a member of our own community—when it is not we use the word "racial". I would like to say this, Sir. We have examined this question of equalizing loans. But the Government feels it is better to issue the loans at the rates of interest at which they are

raised. I do not know what hon. Members think but I suspect that if we equalized the loans today at a low rate of interest, and we insisted in ten years time on rates of interest which were several per cent above the existing rate, I believe that the farmers would not support that. They would ask for a reduction of the rate in a few years' time. So I feel that the hon. Member's intention to get equalization of the rate is not at all an easy matter.

Lastly, Sir, I wanted to deal with a speech which was made by the Member for the Central Area. If one analyses the speech, Sir, what it all boils down to really is this: that the European contribution to this country has largely been acquisitive and malicious and that of the Africans despicable. The only sun which has shone on this country has come from the orient. Now, Sir, I would have some difficulty in accepting that and I would like to record that I found the hon. Member's speech, if I may coin my own phrase, very forthright indeed, with a strong racial bias. I want to give the Government view on some of these matters.

We as a Government, Sir, have got to govern for everybody. It is absolutely necessary to think that in this country there are four races. Each of those races has made a contribution to this country. Each of those races can be congratulated on the part which it has played. But so far as the Government is concerned, it must be borne in mind that each race has its own habits, customs, outlook and background. In the course of the years we hope, and I sincerely hope, that these barriers and difficulties between us will soften. It must, however, inevitably take time. You have only got to look at such a homogeneous society as the United Kingdom to realize the difficulties of assimilating the Welsh, the Scots and the English, and, I believe, a small element of Northern Ireland. So, Sir, so far as the Government is concerned, we have got to accept that each race has its entitlements and its rights in this country.

Now, Sir, with that in my mind I would like to refer to one or two of the points which the hon. Member raised. The first is the matter of land. The Government's policy in this matter is recorded in its Despatch on the Royal Commission. It is perfectly simple. The Government believes that the outlook on

[The Minister for Agriculture, Animal Husbandry and Water Resources] land which is based on an economic aspect is wiser than one of tribal or racial barriers. But we do not believe that it is possible to move towards that widespread economic aspect without carrying—if the hon. Member will listen to me he will hear—public opinion with us.

The hon. Member for the Eastern Area raised this matter and indicated that, in his view, if we were to treat land as an economic asset then it was a question of treating all land as an economic asset. I believe that the hon. Member for Central Electoral Area did himself a great disservice by making an attack on the specific issue of the Highlands. If we bear in mind what I have said, that the Government has got to govern for everybody, the Europeans have a right to the area of land they now occupy, just as any other tribal unit has. If the hon. Member wants to move towards an economic examination of land matters let him recommend it as the Member for the Eastern Area did for all areas, and not single out. If he specifies one particular racial group, if he does that, then he must not mind if the charge of racialism is thrown in his face.

Secondly, I would say this. This is the answer to the other hon. Member for Central Area. If he wants to move public opinion towards an acceptance of this ideal, which is land as a national and economic asset and not a tribal or racial reserve, he will not do it by arbitrarily demanding that other people should open their land barriers. I would only say this. Arbitrary demands will engender resistance, and if the hon. Member will put forward a reasoned and economic plea it is more likely to fall on receptive ears than a strident racial demand.

Secondly, Sir, I would like to turn to the question of education. The Government has experimented to a small degree in a mixed racial school at the primary level, but I want to say this and I do so, and I hope I shall hurt no feelings. We cannot ignore tradition, culture and background, and parents of each race may well wish their children to be largely educated in the atmosphere which carries forward the traditions and culture of the race of which they are

proud. If we indulge in a vast racial mingling in a non-racial pot we shall indeed endanger many of the standards which we wish to create, or are trying to create in this country. In the United Kingdom where there is, hon. Members will be surprised to hear, a European population—in the United Kingdom in the best schools as much as 10 per cent of the school may be occupied by non-European pupils. The result of that is that there is a strong infiltration of the standards and culture of the background of the school into those people which is of benefit to the countries from which they came. But the real reason that this is able to happen is that the school is absolutely certain that the basis of culture on which it is proceeding will be maintained, and I would say that. If instead of demanding, the hon. Member had suggested that a movement by the Europeans towards control of their schools, and further with that control firmly in their hands they might accept members of other races into their schools—I would suppose that he was more likely to proceed on those lines than on an arbitrary demand which, in my submission, would mean that many Europeans would feel that their cultural background, which they value, would be destroyed. I would apologize to the hon. Member for mentioning this but I think we have got to understand that all peoples in this country have feelings other than the person who is speaking and when one is speaking it is wise to bear that in mind.

Now, Sir, lastly I would only like to say this. When I listened to the hon. Member I became more and more conscious, although I am on a Specially Elected seat, as he continued his speech—I became more and more conscious that I was a European. Also, which is what I think the hon. Member did not wish to create, I became more and more conscious that he was not a European. I do not believe that is the objective that we want to achieve in this country.

I would merely end, Mr. Speaker, by urging the hon. Member to support what I think must unfortunately be a slow development—a move towards the eliminating of the differences between us and the lowering of the barriers between us, and that will not be achieved by pin-pointing out ardently the notes, in other

[The Minister for Agriculture, Animal Husbandry and Water Resources] people's eyes when our own eyes are full of beams. Mr. Speaker, I beg to support.

Mr. HARRISON (Nominated Member): Mr. Speaker, Sir, first of all I would like to congratulate my hon. friend, Mr. Rubia, for the way he has most ably moved this Motion. Secondly, I am indeed pleased to have this opportunity to add my tribute to His Excellency the Governor for his most encouraging speech on the formal opening of this session last week.

I feel Sir, that it is needless for me to go over the pros and cons of the whole statement of Government policy as this has been fully covered by various speakers in this House already.

There are however one or two things which I feel I must touch upon, Mr. Speaker, things which have struck me most. What struck me most in the Governor's speech, Mr. Speaker, was His Excellency's reassurance that "The Government of Kenya will remain in the hands of responsible people for a considerable time to come". To me, Mr. Speaker, that is great; great because irresponsible people are many today who would like to run before they can walk—and we all know the tragedy of that.

His Excellency's reassurance has not only created that confidence which we were all looking for and awaiting eagerly, but it has certainly brought out to many of us that sense of stability of mind and tranquillity which has been lacking for a long time in this country.

Sir, I am one of those who believe in cooking one's food well before eating it. There are many of course who like to hurry their cookings, but we all know invariably what effect un-well-cooked food has on the tummy eventually.

Another thing that struck me in the Governor's speech, Mr. Speaker, was the announcement that industrial estates in the African land units would be created thereby making ready employment nearer the homes of the workers. This Sir, to me and many others is very important and quite a welcome step.

There are many peri-urban, rural townships and African trading centres which are good sites for these proposed industrial estates throughout the country.

Many hundreds of African workers and others would benefit a great deal in obtaining work nearer home thereby welding firmly the family life which has disintegrated in many cases today.

This proposal, Sir, is highly commendable and deserves to be pursued very vigorously, for I am sure when implemented it would go a long way eventually towards relieving quite a lot of unemployment facing the country.

In conclusion Sir, I would like to congratulate all the Ministries for their good work in all respects. Despite all the criticisms, both destructive and constructive they have got on with the good work unflinchingly. I would like particularly to congratulate Mr. Musa Amalemba, the Minister for Housing in all his efforts, efforts which without the co-operation of the staff in his Ministry things would have been almost impossible of achievement. Mr. Speaker, Sir, I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, I should like to thank the Chief Secretary for allowing me to come a bit earlier in the session order for personal reasons. I would like to start off, Sir, by taking the opportunity in the first speech I have made since, I made an unfortunate remark during a supplementary question concerning the Minister for Works.

Sir, having had a classical education at a classical school, I failed to understand the Trinity Hall tie and thought it was a tie belonging to another place. I would like to apologize to him, Sir, for my bad manners and say, Sir, in view of my penitence that I feel quite certain that I would have no objection at all if he wore the Old Harrovian tie in future.

Now, Sir, I would like to congratulate the Minister for Agriculture on his very forthright speech. He got quite emotional at one time, Sir, and he—I was going to use the word "hammered", but that is the wrong word, Sir—he certainly attacked the Asian Members who had been racialist in their attitude during this debate.

Sir, I listened to two of the four speeches made by the various Members on this side of the Council, and I wondered, Sir, what had gone wrong to demonstrate, what seemed to me any; how, the appalling inferiority complex

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of some of the people who made such bitter attacks on my community. Particularly, Sir, I was amazed when the Member for Central Area told the Council that he was opposed to the present Constitution. It is entirely thanks to this Constitution that the Member is here at all. In fact, Sir, I rather regret that we had a new Constitution at that time because, Sir, if he feels so strongly he should not have taken his seat in this Council. It seems to me, Sir, it is a certain way of having your cake and eating it to criticize the Constitution by saying it is no good at all, but then to participate in the Constitution. Sir, both he and the Member for Eastern Electoral Area made two amazing remarks. Both said, Sir, the Asians were not producers, and I checked up in HANSARD to see whether I had heard correctly. He said, Sir, that the Asians were not producers. Well, Sir, today, going up today on the Fort Hall road I passed an Asian school, and I must admit I thought that that remark was highly inaccurate, to see the thousands teeming out of that place. I feel, Sir, that he was really more suitable for the quota system mentioned by my hon. friend the Specially Elected Member, Colonel Bruce McKenzie.

When, Sir, the hon. Member talks about the problems affecting his race, I wish, Sir, he would tackle some of the problems which are affecting his race. I have said this in this Council before, when we were discussing immigration. There are many thousands of young Asians who are now leaving school who have got to find employment. There are many thousands of young Asians who unless we do find employment for them will be in very serious financial difficulties, and rather than making passionate racial speeches if he could find a solution to some of those problems he would indeed be worthy of his place in this Council. It is very easy, I know, Sir, to make a speech which is tub-thumping, if I may use the word, but there are problems facing his community the whole time which he should tackle before he attacks our race as an election plank.

I do not want to answer, because it would be too easy, the various points made by the Member for Western Area. He gave, Sir, his speech which I have heard in this Council on so many occa-

sions which was beautifully delivered, with always that racial sting attached to everything he said. He made one remark, Sir, though, which from this side of the Council I must answer.

He seemed to imply to the Council that both the Minister for Works and the Asian Minister without Portfolio belonged to a constituency of an Asian electoral area. Sir, I would like to correct that before that impression gains any publicity abroad. Sir, both those two gentlemen were elected by the whole House as Specially Elected Members, and their allegiance, in my opinion, is to the whole House and no one racial group. When you get a veiled threat such as was made by the Member for Western Area against Ministers on the other side, I feel I have to get up and protect them to the best of my ability, even though I know, Sir, that they can do it for themselves.

I hoped that this debate would have served the purpose for which we have been told in previous years it was designed, that was, to give guidance to the Government when they frame their financial statement next year. It is unfortunate, perhaps, that the Minister for Finance is not with us to hear this debate, because I want to mention one or two things which I hope will influence him next year. The first one, to start with a smaller item and come to a larger one later, is that I would like to remind the Temporary Minister for Finance that the European community—and I feel quite sure the Asians as well with us—object very strongly to the continuation of the Emergency surcharge, and we would like the Minister, when he frames his budget next year, to remember that particular point. In case, Sir, they have forgotten what was said during the debate early this year, the HANSARD for 28th June will remind them of it.

Secondly, Sir, to a larger subject that was raised by the hon. Member for Kiambu, we would like to see next year, as early next year as possible, a radical change in the tax proposals which are at present before a select committee of the Central Legislative Assembly. We believe, Sir, that there is a lack of confidence in Government's financial policy, so far as investors are concerned, and we

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believe it will need a very strong and brave action on their part if that confidence is to be restored. I believe you can often become a great man by admitting you have been wrong, and if the Government will admit they have been wrong on this occasion they will gain ground. But if they go on trying to justify their attitude, the result will be definitely serious to the Colony.

I was told last night, Sir, that already the Income Tax Department are using parts of the Income Tax (Management) Act, which has not yet come into being, in assessing 1957 incomes, particularly those clauses which affect averaging of coffee plantations. If that is so, Sir, it is a very serious allegation, because you were allowed under the previous Ordinance to average over a period of years; the proposal this time was for a period of only two years. I would like either the Acting Secretary to the Treasury or the Temporary Minister, when he replies, to give an assurance that such action is not being taken.

Sir, I was very glad to hear at the Kenya National Farmers' Union conference this morning an assurance by the Minister for Agriculture that it is not Government's policy to introduce quotas regarding coffee production. I was very glad to hear that, Sir, particularly in view of the concern caused to the industry by the remark by the Minister for Finance in New York that Kenya would have to conform to the quota system, regarding coffee. I think it is very difficult if the Government speaks with one voice in Kenya and with another in New York. Quite when is a minister not a minister seems to be a question often asked in this Council, but we were told categorically today at the Kenya National Farmers' Union conference that it was the Government's policy to increase production rather than talk about quotas. I hope we will not get any more of these statements made; they only confuse the issue.

In the course of the statement of policy, and again His Excellency mentioned it, we have the statement regarding the Government economies. We would like to know, Sir, as soon as possible what these economies are. I would like to support my hon. friend,

the Nominated Member for the National Parks, when he gave what he thought was the order of priorities. I believe, Sir, they were extremely sound and certainly justified by the events of today.

I was in this debate, Sir, going to talk about Civil Service conditions and leave pay, but as there is a Motion coming up by my hon. friend, the Specially Elected Member, Mr. Slade, so I will wait until that time. I think there is some misunderstanding about the attitude of many of us on all this side on this problem, but that can wait until we have that debate.

I want to refer, Sir, very briefly to two things affecting the present Constitution. The first is, Sir, that the facts, as opposed to fancies, should be made known. I was rather amazed when I tuned in to the British Broadcasting Corporation the evening of His Excellency's speech, to hear on the wireless that the African Members had walked out while the Governor was discussing African representation. Sir, that was completely inaccurate, and I am wondering, Sir, whether the Government, through their expensive machine, the Information Department, will try and correct some of the misrepresentation which seems to find its way both on to the British Broadcasting Corporation broadcasts and again into the English press. This is not the first time we have had to complain of the British Broadcasting Corporation; only last year, round about the same time, they made two or three errors in their broadcasts. In case the Chief Secretary has forgotten what they were, I will remind him. In the first case, they talked about 5,000 detainees having been through the process of rehabilitation, when actually the Governor said "50,000"—a slight error. Secondly, they talked about the African Members who have not taken their seats. That was last year, Sir; they are probably a year in advance of what actually happened!

Sir, in his speech my hon. and gallant friend, the Member for Mount Kenya, talked about crime and then went on to talk about subversion. The figures given by the Minister for Defence on the crime situation was very reassuring. I understand the Chief Secretary, when he replies, is going to talk about subversion. Well, I was told he was; if the Chief Secretary was not going to, Sir, I hope

[Sir Charles Markham]

he will. This problem of subversion, sedition and blasphemy appearing in the vernacular press does cause us great concern, and in case examples are wanted I will give one to the House. I would suggest that any Member who wants to see what seems to me to be a first-class case of blasphemy appearing in a newspaper should see a magazine of a newspaper called *Radi*, dated 1st November of this year. I hope, Sir, that action will be taken against the press of any race which tries to undermine the confidence of the Government through sedition or subversion. I would beg Government to take this problem seriously; it is our opinion—and I know it is shared by all my colleagues—that the problems facing this country will never be solved whilst you have this racial hatred being built up against any one race. It is a problem which is so serious that Government must take action soon.

I remember about a year ago the Specially Elected Member, Mr. Slade, gave the House details of the law on sedition; they seemed very clear to us, although we were laymen. But on the other hand it seems very complicated when it comes to the operating of the law. Will the Government not realize that if the law is weak they will have the support of this House if they require to amend it. If on the other hand the situation is allowed to continue, then, Sir, we must give a solemn warning from this side of Council, that we believe trouble will come.

It has been the policy of all of us to give our support to the Government, although, naturally, like all good democrats, we are critical on many occasions. I think, Sir, that the time has come when we should explain quite fully why we believe the situation in Kenya to be dangerous, why we support the Government in its stand. It was reassuring to all of us to hear His Excellency state that the government would remain in the hands of responsible people. It is our fear that if the government gets into the hands of irresponsible people then this country will revert to darkness in the shortest possible time. We hope there will be no weakness at all just because of the vociferous demands made by any one group.

We, Sir, have always been willing to discuss the mutual problems facing Kenya as a whole. That offer remains good—on one condition: that we are not asked to agree before we even start to talk. That, Sir, I believe, very briefly sums up our difficulties at the present time, and our willingness to support the Government.

Sir, in conclusion, I would like to say that I believe at the moment the Government does command the confidence of the majority of law-abiding citizens in Kenya. But I give them warning that we will continue to be critical on certain subjects; we will continue to criticize wherever we think we are justified. But, Sir, I hope our criticism will remain constructive rather than destructive.

I beg to support.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I would like to make some brief comments on matters affecting my Ministry, which were touched on in the gracious speech and which have evoked some comment from Members during the course of this debate. I feel that on the first occasion when it falls to me to address this Council in general debate I should evince a tribal quality of caution. It would, I think, be inappropriate, if I can borrow the vocabulary of my hon. friend and colleague, for me to be "spectacularly forthright". I regarded my role, in the course of a general discussion of all our policies and problems, as being primarily to listen and to learn, rather than to brace myself to pontificate on any of these issues.

However, at the outset of the few remarks I would like to make today, I should like to make it clear in this Council that the problems which arise in my Ministry are approached by me, Sir, with no preconceived ideas, nurtured in another place and brought out to Kenya to be imposed with procrustean ruthlessness on the often recalcitrant facts of the local situation. I intend to study things as I find them here and I do not come with any ready-made Whitehall remedy.

Although in the Sessional Paper which has been placed before the Council labour questions appear first in the list of those under my Ministry, I feel that I should first of all say something about

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education, since, in terms of money, in terms of staff and also, I think, in terms of the public interest aroused, education is the dominant element in my Portfolio.

On many of the points of detail raised earlier in the debate, the Director of Education has already addressed the House. On a number of other points of detail, which have since been raised, I can assure the hon. Members who raised them, if I do not deal with them today, that I will take them into consideration, in consultation with the Director, and will write to them on the matters they seem to have much at heart.

Although under the general theory of the ministerial system, it is for the Minister to watch over and determine major issues of policy, I still believe that as we have a Director of Education, it is for him to direct education. I do not propose to interfere with the direction of education by the Director, save in matters of general policy and over-all guidance. I hope that hon. Members who have any particular points relating to education, any points of detail, special points of local interest will, if they can, raise them first with the Director or his staff—although I am always very ready to take up any point on any hon. Member's behalf. I am sure that if we approach problems through that procedure we will be able to make the best contribution to their solution.

The hon. Specially Elected Member who is my Assistant Minister, has also spoken on some points affecting our Ministry during the debate. I should like to say in this Council how much I have been indebted to him, since my arrival in this country, for wise guidance, information and suggestions on many fields affecting my Ministry.

To turn more directly now, Sir, to the question of education, we must all bear in mind the dominant problem of cost. The Council is aware that all forms of Government expenditure are under close scrutiny, and I am afraid that education cannot escape its share of attention. In fact, if we were to stick closely to some of the lists of priorities we have heard enunciated from various parts of the Council no education would take place at all. But I feel that, although we must look rigorously at the cost of our educa-

tional system, we must equally be prepared to brace ourselves to afford the education we need. Nevertheless educational expansion cannot be allowed to outrun our resources. I feel, myself, that in promoting a controlled expansion of educational facilities, we must look first to the maintenance and, indeed, to the improvement of quality.

When I refer to quality I refer to it in the education of all races. Bad education is, to my mind, Sir, quite bluntly, unprofitable, and it will be a service to no one if we were to debase quality anywhere in order to afford quantity of doubtful value. While keeping our standards high, we must seek, by all means, to get the best value for our money, and to this end I intend, with the Director, to look very closely at our organization, at our training systems and at our building programmes in order to extract the utmost value from every shilling, whether that shilling is a Government shilling, a local authority shilling or the all-important parent's shilling.

We are now, I think, well beyond the period, Sir, when all educational effort was directed mainly to the promotion of book-learning. All communities in this country are now looking to much more diversified fields of employment for their children, and we must see that our educational system marches in step with those requirements. In the field of technical training and technical education we wish to make a really solid contribution to the skills and to the productive power of the people of this country, and I am anxious that our range of services should be improved as soon as possible by the completion of the Kenya Technical Institute, which at the moment is a serious gap in the range of services available for a full educational system.

While in the field of technical and trade education, simple crafts and simple skills can be taught to pupils without a wide background in formal education, it must not be forgotten that the true expert tradesman and the technician must have a solid background of general education if he is to acquire and deploy to the full, in the interests of himself and of the community, the skills which we hope to provide for him. But although in our institutions we can provide a basic training for many occupations, it is only through the

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co-operation of industry itself that we can produce a body of skilled people who can effectively tackle all the day-to-day jobs which face us. I am glad to say that the Education Department on the technical side has had a very good response from some of the larger industrial firms in the country, and we hope to go forward to promote, and have, a close co-operation between industry and education in building up a skilled population.

In education a number of other important issues which are touched on in the Sessional Paper No. 1 and in the gracious speech will come before this Council for subsequent discussion. I would only note these now. There is perhaps most importantly the report by Messrs. Woodhead and Harper of the United Kingdom on some problems of Asian and European education; and when we have collated the views of the Advisory Councils on the recommendations of that report, Government will bring a paper to this Council for debate.

In the field of higher education, we are anxiously awaiting the recommendations of the working party from United Kingdom universities which recently visited East Africa to advise, more particularly as far as Kenya is concerned, on the future development of the Royal Technical College. I attach, myself, very great importance to the development of the College, not only as part of our educational structure in Kenya but as evidence of co-operation on an East African basis in things like higher education, which I believe is essential.

Again in the field of Muslim education, a conference is very shortly to be held in Dar es Salaam, attended not only by representatives of the East African territories but also by educators of other territories, from Aden, from the Somaliland Protectorate and Somalia, from Nigeria and the Sudan, to consider the report which has been prepared on the special problems of education in a Muslim community. I should like to reassure the hon. Arab Member, Sheikh Mahfooz, that I do have a close and enduring interest in Arab education.

If I may turn now, Sir, to the Labour Department, the hon. Member for Mombasa made some remarks on the problem of unemployment, and I was glad that amongst those remarks he said he advised those who came to him, seeking employment, at least to try the labour exchange in Mombasa, which is one of the services provided by my Ministry. I believe that the modern term for labour exchange is "employment office", and we have these now scattered widely throughout the country, although I believe that outside a rather dingy shack in Nairobi we still have the words "labour exchange" in large letters.

I have arranged with the Labour Advisory Board that the question of unemployment and the way in which the facilities of the Labour Department can assist in at least mitigating this difficulty should be discussed regularly by the Board, in order that my Ministry may have the benefit of this regular advice and a way of keeping under continuous review what we might do to help in that connexion.

Another important matter touched on in the Sessional Paper is the development of industrial relations. It is most welcome to my Ministry to see the establishment, on a broader basis than ever before, of the Federation of Kenya Employers. We were fortunate to have a fraternal visit from the Secretary-General of the Trades Union Congress not very long ago, and one of the impressions which he gained most vividly in comparison with his last visit to Kenya in 1955 was the great strides which had been made by the employers in organizing themselves in such a way as to promote sound industrial relations.

On the question of essential services legislation, here again this matter will, in the form of an amending Bill, come before this Council, and we will then have an opportunity of discussing that issue.

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I agree fully with the hon. Member for the Rift Valley that conditions do vary in different areas, with different forms of agricultural production and with different forms of employment.

The second point I would like to make is that in any machinery established for this purpose local interests and experience of employers and of employees will be brought into the discussion and determination of what is appropriate in each locality.

The measure proposed by the Government is not designed to place any burden on agriculture, but to check the occasional abuse which does exist in the level of wages in the agricultural industry. It would not be our purpose to attempt to impose on the agricultural industry the maximum burden in the way of wages which it can be bullied into paying. It is not the function of the State to negotiate wages between employers and employees, but it is a function of the State to attempt to establish a minimum floor wage, below which it would not be tolerable to see people employed. The only objective is to see fair play and to prevent abuses.

The hon. and gallant Member for Mount Kenya pointed out that the agricultural industry was going through hard times, and that there was an accompanying growing unemployment. I think that when unemployment is growing, and there is keen competition for work amongst farm workers, there is even greater temptation, in the case of the bad employer, to cut the remuneration of these workers below a decent and tolerable level of existence. I am sure it is in the interests of the agricultural industry itself that any black spots of this nature should be brought under control. It would be no profit in the long run to this country if some of its agricultural undertakings could only exist through the exploitation of labour.

May I now turn, Sir, very briefly to one responsibility of my Ministry which is not referred to in the Sessional Paper, namely, the Department of Lands. I do this simply in order to remedy what is a queer omission, since I attach great importance to the Department of Lands. It is not, of course, a department of

land, and therefore its policy-making functions, if they exist at all, are very limited. But the Commissioner of Lands has widely spread authority in applying the law as adopted by this Council, and I would like to think that some mention of him and his Department had been made in this debate, particularly as I am satisfied that the work produced by the Lands Department is of a high quality and is remarkable, considering the very difficult circumstances of accommodation and equipment in which they work.

In conclusion, Mr. Speaker, I would simply mention that the Survey Department also exists under its able director and in that I also take an interest. Its work has been briefly described and its programme in Sessional Paper No. 1. Perhaps in this field, if in any of the fields now entrusted to me, I have a greater degree of confidence than in any since in 1940, as a bombardier. Royal Artillery, I passed an advanced survey course.

I beg to support.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan). Mr. Speaker, Sir, several hon. Members have made certain points which fall within the sphere of my defined responsibilities and with which I would like to deal. The hon. Nominated Member, Mr. Mohindra, and the hon. Members for Mombasa, Kiambu, Eastern Area, and the hon. Arab Elected Member all referred to the question of rent control legislation. I would like to take hon. Members back to last year when I announced in this House that the Minister for Commerce and Industry had appointed a committee of enquiry into the working of the rent control legislation. That committee duly submitted its report, and I am glad to be able to tell the House that Government has accepted the recommendations of the committee. I hope the report will be published soon and I will lay it on the Table of this House as soon as it is possible to do that. I will not say very much more at this stage except that I am prepared to admit that rent control legislation can be very much individual to its application. But one has got to bear in mind that sometimes control legislation is necessary in order to avoid serious social and economic dislocation, and it is within that, I would submit to the hon. Member for Kiambu, that the

[The Asian Minister without Portfolio] rent control legislation falls. Therefore, Government has considered it necessary to maintain control so far.

The second point I would like to deal with is in connexion with the drinking hours under the Liquor Licensing Ordinance which was raised by the hon. Member for Aberdare. He correctly described the drinking hours which are available in the Colony to the public on Sundays; that is, from 12 to 2.30 p.m. in the mornings, and from six to nine p.m. in the evenings. These drinking hours are given in paragraph 2 of the Schedule to the Liquor Ordinance, Sir. I got the impression that the hon. Member was concerned that tourists coming to this Colony do not get sufficient facility for drinking. I am glad, Sir, that this is an additional attraction for tourists who come to the Colony. But I would like to tell him that when the draft Bill, the Liquor Bill, was being considered, every possible opportunity was given to the Hotel Keepers' Association to make full advantage of this, and made several useful recommendations which Government was only too happy to adopt and include in the legislation. But to the best of my recollection, no representations were made on this aspect of the matter. I do not want to bore the Council by quoting from a work which I have here entitled "A Survey of the Control of Alcoholic Beverages in Other Countries"; it is written by a South African—it is not an intoxicating work, but it makes interesting reading. If you look at the examination which the author has carried out on two other tourist territories, that is, South Africa and New Zealand, I can assure the hon. Member that our drinking hours are much more generous and even longer. Having said that, Sir, I appreciate the importance of the tourist industry for the Colony, and I will not hesitate to consult the Minister for Tourism to consider whether it has become necessary either as a result of changed circumstances or as an additional inducement to introduce any change in the drinking hours in respect of Sundays.

Now, Sir, I would like to speak generally in this debate as so many other hon. Members have done. I do so because

so much has been said about the Constitution, about the Government, about the Specially Elected Members, and particularly about the two Asian Ministers. I seek your indulgence to say my piece also.

I assure you, Sir, that I am very loathe to flog further this very tired horse of the Constitution, but I do so because I feel that in view of what has been said not only by the Asian Elected Members, but also by some of the European Members, and also because of the April Resolution which was passed by the Indian Congress (to which reference has already been made in this House), now I feel it is expected that I should give expression to my views in this matter.

The Constitution of Kenya is of vital interest to the Asian community, and it is because the Asians are strongly embedded here and they feel securely entrenched. The first point therefore to remember is that Asians are an integral part of the indigenous population of the Colony. I am aware, Sir, that this has been said before, but if need be, I will say this a hundred times more. It is important to bear that in mind because that can be the only starting point for any negotiations. There can be no other honourable basis for negotiations as far as the Asian community is concerned. I would not embark upon any negotiations with a sense of fear in my heart, whether as a result of overwhelming numbers or because of any position occupied by any particular community. Neither would I make a demand for any privilege which is not conceded to the common citizens of the Colony. This is my opinion in this matter, Sir, and it is in the light of this that I would like to comment upon certain remarks made by my colleague, the European Minister without Portfolio, and the hon. Members for the Central Area, the Western Area and the Rift Valley, subject to the observation that I recognize that neither human nature nor attitudes nor even racial differences can be changed or cured overnight. We can only try to resolve our difficulties subject to this limitation as best we can.

Sir, the European Elected Member—and I am pleased to have him as my colleague in the Council of Ministers—is an experienced gladiator, but I could not help feeling that he was unnecessarily unkind to the hon. Member for Central

[The Asian Minister without Portfolio] Area, Mr. Trávadi, who is a new, and—if I may say so without being offensive—who is a new and inexperienced Member. The rebuff by the European Elected Member to Mr. Trávadi has convinced me more than ever, Sir, that sagacity, liberalism, forbearance and courage are required to handle the present delicate situation. But I would like to be, as has been said, forthright also to members of my own community. To the hon. Member for Central Area, I would say (this is Mr. Trávadi, Sir), that a long speech is not necessarily a good speech. I know, as he has said, indeed, as other Asian Elected Members have said, that the Asian community is not happy about the Constitution, but let us place the emphasis for this dissatisfaction in the right quarter, which is not necessarily the European majority only but also the sense of frustration which the Asian community feels because we consider that this Colony is not making as rapid an advance in human relations as we would wish it to. Here, Sir, I come to deal with a very important point as far as the Indian community is concerned. We know of the anxiety of the European community to try to obtain more and more place in the executive committee of this country as well as in the Legislative Council. It is a natural, logical and understandable desire. We know the struggle which the Africans are putting up to increase their representation, and also they seek more than has been offered to them in the executive of the Colony. Surprisingly enough, it is only the Indian community who seem to think that if certain things did not happen, we should give up and abandon what we have. It sounds cockeyed to me (I hope that is parliamentary language, Sir!). I cannot think that that is a wise attitude to adopt. I would have thought, Sir—and I say this in particular to the hon. Member for Western Area who is unfortunately absent from the House now—that if there are defects, would he rather not call in *judicis* to repair the place, the structure of the edifice, rather than demolish the entire structure without hope of having anything new in its place? I think, Sir, that perhaps the time has come when the commercial section of the Indian community as well as the civil servants who

are members of the Indian community were to express their very important views in this matter.

I feel, Sir, I can say—and I do not make this statement with any ulterior motives—that the reaction might be that the Indian community should reconsider its policy in this matter. I recognize, Sir, that the European community should have a reasonable say in the affairs of this country. I think that because of the contribution they have made to the development of the Colony, it is their entitlement. In the same spirit, Sir, I expect the European community to concede a similar privilege to the Asian community. But, alas, Sir, the various racial groups in this Colony live in a political vacuum. The Africans, the Europeans, the Asians all make demands, and the Arabs sit watchfully at the window sill. But unfortunately, Kenya has not got enough political assets to meet all these demands. We must, therefore, I feel, work towards a reasonable distribution for all concerned. This is the only country as far as I know, Sir, where everybody extends the hand of friendship to everybody else, and yet we quarrel like cats and dogs. We hear in this country an hon. Member stand up like I am aware, Sir, it was a maiden speech, therefore I will only say what I am going to say about it—I am now referring to the hon. Acting Corporate Member for Agriculture: he stood up, did his best to bash down the Asian community and then said he supported my colleague, the Minister for Housing, in his appeal for co-operation. I just cannot understand this type of logic; it beats me, it is beyond me.

I would like to continue and say, Sir, that the attitude of making demands has resulted and will continue to produce mutual exclusion and fragmentation. In my opinion, Sir, these demands dip into an empty pool, and they are bound to come out empty-handed.

If you will permit me, Sir, I would like to repeat what I have said on a previous occasion: I think the real approach, the right approach is the common approach to all problems so that the people of Kenya can travel together as good companions on a common road.

[The Asian Minister without Portfolio] Sir, the hon. Member for Central Area, Mr. Jamidar, stated that the Indian community had come out of the Lennox-Boyd Constitution with no fruits at all. I do not agree with him. While I realize that the Indian community did not come out of this Constitution with as much as they should have, I certainly think that the Lennox-Boyd Constitution reaffirmed the recognition of the Indian community as an integral part of the population of Kenya, and it is only in this status that Indians sit in this Council, both on the Government and Opposition Benches. I think we must not forget that. It was an important reaffirmation of our status in this Colony which needed to be recognized, and as far as I am concerned, I think it has been recognized irrefragably as far as the other races are concerned. Incidentally, I would confirm what the hon. Member for Ukamba said, that had it not been for the Lennox-Boyd Constitution, the two hon. Members for the Central Area who came in in my place and the Specially Elected Member, Mr. Mangat, would not be here today. They would be talking, but not in this House: elsewhere.

Mr. Speaker, I did say at the beginning that I intended to be forthright to members of all communities, and it is under that strain that I now come to deal with the hon. Member for Western Area. I think personally that the Asian community is entitled to a little change in the type of speeches that are made here. We have been beating an old drum with the same sort of sound being emitted from it for a long time. Those who are concerned have taken note of the points that we make. So when the hon. Member for Western Area says that the Specially Elected seats are wholly unacceptable to Asians, I would agree with him that while the method of election requires re-examination, behind these seats there was a noble thought. It is the conception of a common roll in its embryonic form. I believe, Sir, that however hard people may try, they will not be able to prevent Specially Elected seats from blossoming into common roll seats in due course.

Sir, the hon. Member for Western Area also said that the two Asian Ministers had no influence in the Government

of the Colony. I would like to ask him if he knows anything about how the Government of this Colony works. I would like to tell him this: that in the Council of Ministers, there is co-operation among the Ministers. I would also like to say this: that our views—that is, the views of the two Asian Ministers—are not ignored because we are in a minority. Indeed, I could go further and say honestly that there are occasions when special attention is paid to our representations because we happen to be in a minority. I think it should be recognized that the Government is constantly engaged in nurturing and nursing this country. Had the hon. Member been here present in the House, I would have said that one look at him is enough to show that he certainly does not know anything about nursing.

Sir, the hon. Member for Ukamba said that the Specially Elected Members—that is, the two Asian Ministers—owe allegiance to this House, because it is this House that was responsible for our election. I am prepared to accept that; I think that he described the situation correctly, though I must say it may be a weakness, it may be a fault in me, I must confess that I am not a chameleon; that even though I became a Specially Elected Member, I could not change my Indian identity overnight.

Mr. Speaker, again dealing with the remarks made by the hon. Member for Western Area, in regard to the influence that the two Asian Ministers carry in the Government of this Colony, while I do not like to blow my own trumpet, I would like to refer to the Minister for Works who is my Asian colleague in the Council of Ministers. I submit, Sir, that the Minister for Works has rendered singular service to this country in securing £4,000,000 contract finance for roads in this country. If that does not show that he plays an important part in the affairs of the Government, that his recommendations are given due weight, then I do not know what else can convince the hon. Member for Western Area. If he wanted another proof, then I would refer the hon. Member to the tribute paid to the Minister for Works by that doyen of the Coast Members—the Member for the Coast—during the

[The Asian Minister without Portfolio] last session. Any Member sitting on this side of the House, any Minister who can extract a tribute from the Member for the Coast must indeed be a great man.

Sir, the easiest attitude to adopt in Kenya politics is either to show dissatisfaction with the Government or to launch an attack against another racial group. I think it will be agreed that such tactics do immense harm, and it is for that reason that I say that the remark made by the hon. Member for Rift Valley was most regrettable when he said that Asians should come off the fence. Mr. Speaker, I was first elected to this Council about 11 years ago and possibly today I am the oldest sitting Asian Member in the House. I have watched with pleasure the various racial groups gradually emerge from almost daily racial wrangles in my early days to a stage when we began to tackle the task really confronting us. I consider and feel it my duty to say it to the hon. Member that his remark was a throw-back to an unenlightened period, and it was retrograde as well as undignified and unbecoming. In humility, Sir, I would suggest to him not to indulge in such language in this House again. It may be suitable for an election platform, but certainly it does not do any good to anybody here.

Mr. Speaker, the leaders of the various communities are faced with a Herculean task in this Council. They have to dovetail honourably the aspirations, the desires, the ambitions and the claims of all Kenya citizens in a single stream which will water the national pastures of our country. I say that because Kenya belongs to all her citizens of all races, and I say, Mr. Speaker, let us try to be worthy children by recognizing and by accepting that there is no room for over-laying forces and overbearing attitudes. You have noted, Sir, that I have not spared the European and the Asian Members who I thought needed to be corrected. Those who speak with a strong racial bias and whose arguments are emotional rather than logical should be corrected lest the damage they do becomes extensive.

Mr. Speaker, I beg to support.

MR. MAXWELL (Trans Nzoia): Mr. Speaker, Sir, I listened with great in-

terest and pleasure to His Excellency's speech on Tuesday, 4th November, last, in which he made it abundantly clear that it was Government's firm and undeviating intention to maintain law and order in this Colony; and that the Government would remain in the hands of responsible people. In my opinion it is incumbent, indeed a duty, upon the peoples of all races to work together in the spirit of true co-operation in order that the development of this Colony may continue on orderly and progressive lines.

I agree to a great extent with many of the sentiments so admirably expressed by my friend and colleague, the hon. Member for the Rift Valley. Political demagogues of whatever race who deliberately endeavour to ferment strife are a liability; in other words, a bad debt, and they should be treated accordingly; Invariably they are completely destructive and quite unwilling to co-operate. It is my fervent wish that peoples of all races with good will in their hearts will go forward on a united front in order to destroy the evil influences of those who put self-interest and power politics first.

I was glad to hear His Excellency stress the importance of preventive health measures, which do much to reduce the demand in regard to more and more hospital accommodation. Obviously it costs far less to prevent than cure certain diseases, and in this respect I feel that all of us in a small way can do much to assist by applying simple hygienic measures on our premises and farms.

I now wish to make a few comments on the statement of Government policy as outlined in Sessional Paper No. 1, 1958/59.

On page 3, under the heading "Treasury", the paragraph 15 reads: "The Chancellor of the Exchequer's announcement in Montreal that as a last resort colonial Governments would be able to obtain Exchequer loans for essential development expenditure is also encouraging". Personally, Sir, I consider that the four words "as a last resort" in that paragraph are far from encouraging. In times of war sums of a colossal magnitude are spent daily, yet in times of peace we are told that money urgently

[Mr. Maxwell] required for development purposes is scarce or not available. To me, Sir, this is not logical.

On page 6, under the heading "Ministry of Agriculture", paragraph 42 reads: "The livestock population in European areas has continued to increase. With prevailing fluctuations in world prices it is important that farmers should adopt well-balanced and flexible systems of farming in which livestock should play a large part." I do not disagree with that statement, but many hard-working farmers have been badly hit as a result of the successive failure of wheat crops due to rust, etc., a sharp and rapid decline in the price of dairy products, maize and pigs. In consequence at the present time they lack the ready money to change over to alternative crops. These farmers need financial assistance now in order to enable them to carry on.

I am sorry that the Minister for Agriculture is not here, Sir, but I do express the feeling of many when I say that our agricultural experimental stations could and should have done much more in the past to prove what crops do well in certain areas. Since I represent Trans Nzoia I will deal with the Kitale station. It seems to me that this station, years ago, could have carried out experimental planting of citrus orchards. It could have proved the best types of sunflower yielding a high oil content. It should also have been in a position to tell us the best varieties of castor suited to our conditions. Again, Sir, in conjunction with and with the co-operation of the farmers it carried out tobacco field trials, under irrigation, during our hot, dry months. Tea does well on the slopes of Mount Elgon, but I feel confident that it would do equally well in other areas in our district. Talking of tea, and I am not making a racial issue of this, I understand that tea seedlings are provided from Government nurseries to African farmers. I want to know whether that facility exists for the European farmers.

May I suggest that in some fields of agricultural research, particularly in regard to animal husbandry, much effort and expense is duplicated. For instance, the breeding of pigs could be centralized and in so far as the scheduled areas are concerned I would suggest that this

should be an activity carried out at the Egerton School at Njoro.

Paragraphs 45 and 46 deal with marketing. With the increased momentum of production it is obvious that greater attention must be given to marketing than hitherto. I fully support the stress which was put on this by the hon. Specially Elected Member, Col. Bruce McKenzie. In my opinion it should be a Government organization in order that the full weight of the Kenya Government would be behind us when negotiating with other countries. It would be essential that the Boards of the dairy, maize, pig and other industries be prepared to make annual contributions towards the cost of such an organization. I wish to stress, too, that in my opinion the marketing organization should be closely linked to the Department of Statistics for reasons which must be obvious.

In conclusion, Sir, I would like to quote, if my memory serves me correctly, from George Eliot when he wrote about the dedication of a new church, because it does have some bearing on a point I wish to make. He said:—

"You have seen the House built. You have seen it adorned: by one who came in the night it has now been dedicated to God. It is one more light set on a hill in a world confused and dark and disturbed by portents of fear."

Similarly, Sir, I feel that our civilization, our Western civilization, is a light set in Africa, so far as history goes, not so many years ago; a light which is spreading fiercely; a light which surely all those possessing good will in their hearts in Kenya would like to see spread over the whole of the Colony; a light, that despite opposition from certain elements we will not permit to be extinguished.

Sir, I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, I have been a Member of this House for the greater part of the last 18 years and I have listened to many debates of this kind; and during the past four or a half days of this debate I have been struck, as often before, by the fact that it seems to me that we take up a great deal too much of our time in rather unprofitable discussions of political affairs which do not seem to take us very

[The Minister for Forest Development, Game and Fisheries]

much further forward, and far too little of our time on these occasions in discussing economic matters which may well be the basis of the prosperity, present and future, of this country. There have been notable exceptions in this debate where people have discussed such matters, but it seems to me that at a time of recession such as we are going through at this moment those are the important aspects which we ought to be considering.

I naturally consider that one of those important aspects is that dealing with the economics of forestry and game. Both of them are important in the general economic picture in this country. During the course of this debate hardly any reference, except by one or two Members, has been made to these matters.

Sir, I do not propose to touch on the question of game now except to welcome the remarks of the hon and gallant Nominated Member. Col. Jackman, when he pointed out that our game was not only a national asset, but even of world-wide importance. He also pointed out that although we have had some success in our anti-poaching campaigns we must keep up the pressure and not relax or we will find ourselves back in the same position we were in before we started these campaigns. With those remarks I entirely agree. But we will have an opportunity later in this Session, I hope, to debate game policy very fully when we come to discuss the Report of the Game Policy Committee.

Turning then to forestry, Sir, I welcome the reference that was made by the hon. Member for the Aberdares to the export of timber which he regarded as one of our important national assets; and there I entirely agree with him. I hope that I shall have his support in measures to enable us to grow our timber as cheaply as possible whereby we may be enabled to compete on the export market in future and produce timber at a price that the Colony can afford to pay for it for general purposes.

The hon. Nominated Member Mr. Ndoka referred to the afforestation schemes in Machakos. He felt that they were going unduly slowly and that there was a considerable need for products of afforestation at the moment. I would

agree with him, but there is little that we can do in the way of speeding up the growth of the timber that is planted, and I must point out to him that the fact that there is very little production in that area is due to the position whereby we were unable to obtain land on which to plant forests for this purpose until quite recent years.

The hon. Member for the Western Area paid a tribute to the Chief Conservator of Forests for his helpful attitude in connexion with the timber industry. There I very heartily agree with him.

He also asked for support for the sawmilling industry and to that I would answer that we realize perfectly well that the sawmilling industry is an integral part of the forestry schemes of this country. Neither can exist without the other. We all wish to see a prosperous and thriving sawmilling industry.

He further went on to suggest that further assistance would be required to enable the timber export trade to continue next year. Members will be aware that already a rebate of royalty of 50 per cent is being given on timber for export in an endeavour to stimulate marketing of that timber abroad. Whether or not that rebate will be necessary next year is dependent on the prices that are obtainable. But the matter will be reviewed towards the end of this year in the light of those prices; and if it appears necessary to continue the support which we are giving to timber exports then I hope we shall be able to do so.

Now, Sir, I would like to deal with some questions which were raised by the hon. and gallant Specially Elected Member, Col. McKenzie, on the subject of forestry.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

His first point, I think, was that we were possibly planting the wrong kind of exotic timbers and he instanced cypress in particular. He suggested that we ought to use varieties of pines. Now, Sir, the House will be aware that not long ago we had a visit from one of the foremost experts on timber from South Africa; Dr. Craib. He made a thorough

[The Minister for Forest Development, Game and Fisheries]

examination of our industry up here and he gave us a lot of advice in a very valuable report. He, Sir, is a man whose views we can readily accept. He was for a time the chief research officer in the Union Forestry Department and after that he became the general manager of a large industrial timber concern in South Africa.

Now, Sir, he suggested, in regard to the varieties of timber that we should plant, that we should in the main plant *P. radiata* and *P. patula*. He recommended that we should continue planting on the following basis: approximately 20 per cent cypress; 20 per cent *P. radiata*; and 60 per cent *P. patula*. The two latter were varieties recommended by the hon. Member. We are working very nearly to his plan, but not exactly. We are working at present on a basis of planting about 10 per cent cypress, about 40 per cent *P. radiata*, and about 40 per cent *patula*, the balance of 10 per cent being largely araucaria and other experimental kinds.

He referred to the popularity of the timber of these different varieties. Actually cypress is popular in this country but there is a considerable risk of canker, although that risk is not so great now as it was two years ago. It is therefore for that reason that we have reduced our cypress plantings. *Radiata*, of which we are planting about 40 per cent, is a very rapid grower. It is harder and heavy and stronger than the other kinds that we grow and it is in fact a stronger timber than the Scotch pine produced in Europe. *Pinus Patula* is one of those which seems to thrive under almost all conditions in this country and grows well from the coast up to an altitude of 9,000 feet. So much, Sir, for the varieties we are planting.

The next point the hon. Member made was that we should arrange things so that there should be a short haul to the mill. Now, Sir, following out the recommendations, again by Dr. Craib, we are concentrating our plantings on exotic softwoods into large areas of from 10/20,000 acres in a block; and we are concentrating not only our new plantings in that way but we are trying to make up our old plantings with that very end

in view so that they should be worked as economically as possible.

The hon. Member then referred to what he called—and it is a very happy phrase I think—the bastion areas. He asked what we were planting in those areas. Well, Sir, we are not planting. Those areas, by and large, are so far away from communications that they are never likely, at any rate within many years to come, to be an economic proposition for the production of timber. On the other hand they are a most important economic proposition for the production of water, and our aim in dealing with those particular areas is not to try to plant for milling in future times but to try to conserve water supplies for the present and the future.

The fourth point the hon. Member made was in connexion with fencing posts and he pointed out that cedar is now running out and that wattle and other posts, when treated, were difficult to obtain and were expensive in comparison with the prices of similar material in South Africa. That is perfectly true, Sir. The position in regard to cedar fencing posts is, of course, that cedar for fencing pays a royalty in the first place, but there is a rebate of almost the whole royalty payable if they are used for fencing; so that, in fact, the only cost to the farmer of cedar is the cutting out of the posts and the transport. But, as the hon. Member said, cedar will not last indefinitely, and we will have to turn elsewhere for our fencing posts for which there should be a large demand with the introduction of the Fencing Bill. I believe, Sir, that the answer there is, in the main, that wattle can be treated for use. I believe that when the time comes when there is a considerable demand that demand will have the effect of enabling the process to be carried out at a comparatively reasonable rate and the supply of those posts will be much cheaper than at present.

From something that the hon. gentleman said, during his remarks, I got the impression that he thought it possible that Government might undertake the processing of wattle or other materials for fencing purposes. That, Sir, I would not like to agree with. I do not believe that it is the function of the Government

[The Minister for Forest Development, Game and Fisheries] to go that far and to undertake processing. I believe that it is, as in the case of sawmilling, the proper function of private enterprise to undertake that sort of thing. I should not be prepared to undertake it without very strong reasons being shown me as to why we should do so. In that view we have the support of Dr. Craib who warned us when he came up here that although in South Africa the Forestry Department does undertake a certain amount of sawmilling it was the last thing we should dream of doing.

Sir, I should welcome an opportunity at any time that he cares to do so to discuss our forestry policy in these matters with the hon. Member.

Sir, I think that those were the only matters which were raised in connexion with my Ministry, and I beg to support the Motion.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, I rise to deal with some of the matters which have been dealt with by hon. Members opposite and which come under my Portfolio.

In the first place, Sir, before I do so I would like to refer to the excellent speech, which I think was a maiden speech apart from the questions he answered, of the Minister for Education, Labour and Lands. I would like to say how much we enjoyed the clear exposition of the policy of the Portfolio of which he is in charge.

Now, Sir, judging from the remarks of the hon. Members opposite, particularly with regard to the Road Authority, it seems, Sir, that despite the fact that several times from the Floor of this House and in the Press mention has been made as to the functions of the Road Authority *vis-à-vis* the Minister, it seems, Sir, that a great deal of misapprehension still exists; and I think, in view of the fact that there are several new Members in the House, it would not be out of place to put on record once again the functions of the Road Authority and the jurisdiction of the Minister for Works.

Now, Sir, the Road Authority is a statutory body on which members from all parts of the country sit. Generally,

there is an impression that a Member, just because he comes from the Coast, is only interested in the Coast, and that a Member from the Rift Valley is solely interested in the matters which affect that Province.

I would like to mention that in the appointment of the members of the Road Authority the Government does not take into consideration whether the member comes from one part of the country or the other, or that one district is represented or is not represented. The Government chooses people for their wide experience, their knowledge of the country, and expects them when sitting on the Road Authority to deal with all matters which come within their purview with general view to the interest of the Colony and the benefit of the country rather than any parochial interest. For that reason, Sir, I feel that it is necessary that when matters affecting certain details in which hon. Members are interested are raised it would be much better and more economical if, in the first place, these hon. Members would address the Secretary of the Road Authority from whom they can get first-hand information. Further, Sir, judging from the questions which are from time to time asked in this House with regard to particular bridges and roads, it is only I, acting as a post office, who conveys to the hon. Members here the information which has been conveyed to me by the Road Authority. As hon. Members are aware, it has been estimated that each day's meeting of the Legislative Council costs nearly £500 to the country, and when a certain amount of time is wasted

—and I say this, Sir, without meaning any particular insult—and when certain matters could easily be dealt with outside this House, Sir, I say it would be much better if they were dealt with outside.

Now, Sir, the other function of the Road Authority is that being a statutory body it receives certain Government grants and certain revenues from licences and taxes. But, Sir, unless this Road Authority fails in its duty or does something which is contrary to the interests of the country the Minister in charge

—the Minister for Works—would not think of giving any directions to the Road Authority. From time to time, Sir, things are brought to my notice where people ask me whether I would give a

[The Minister for Works] directive or a recommendation to the Road Authority to do such and such a road in preference to some other road. My answer invariably is this, Sir—that the Road Authority—with the number of excellent members sitting on it—very carefully considers every request and every proposal which is made as regards the betterment of the roads, the bituminization of the roads, new bridges and other improvements, and that in the final analysis they decide as to what is most economical and beneficial to the country as a whole.

Time and again it happens that when certain areas do not receive priorities, the people think they should have received, a great deal of lobbying is going on both with the Members and Ministers, and I think it becomes embarrassing for me generally when hon. Members and people outside this House bring certain questions to me, asking me to intervene and request me to do something which I know that the Road Authority has turned down. I would like to assure them, Sir, that, much as I would like to please hon. Members, it is very difficult for me to try and direct the Road Authority to do something which they have not decided, of their own free will, to do. If I do in one instance I cannot possibly refuse the requests of other hon. Members. Therefore, Sir, I would like to say to hon. Members opposite that when they make requests to me—I am not resenting that request—if I am not able to accede to that request or do anything in the matter, it is not because I do not wish to do anything, but because the Road Authority finds that *vis-à-vis* the other claims on its funds, it is unable to do what the hon. Members wish me to do.

The other point, Sir, is that generally people feel that members of the Road Authority should be chosen just because they happen to be either Asian, European, Arab, or African. But I would once again like to bring to the notice of the House that the Road Authority does not represent any racial interests, but that members are chosen especially for their knowledge and experience, and I would like to say here that the country has been extremely fortunate in having at its head, first, General Folkes and now

Mr. Maconochie Welwood, who despite all the difficulties regarding finance which face them, have done an excellent job of work, and I think both these gentlemen have earned the gratitude of the country.

Now, Sir, I shall deal with several specific points which were dealt with by hon. Members opposite. The first was from the hon. Arab Member, who I am sorry to see is not here—Sheikh Mahfood. I beg his pardon, Sir—I did not notice him coming in. He was quite perturbed, and in spite of the frequent assurances he receives from the Ministry and from the Road Authority, he is quite convinced that the Road Authority has made up its mind that nothing is going to be done to the Lamu Road. Every time the hon. Member speaks, at Budget time or any other time, about roads, the matter is brought up. I would like to assure him that after a great deal of consideration having been given to the requests he has made regarding the Lamu Road, the Road Authority finds that the traffic on that road would not justify an all weather road but that the only thing it can do is to improve such patches which will enable the road to be used during the major part of the year. But for a month or six weeks when the heavy rains are on, the road will be impassable—I think in an indirect way it is a blessing in disguise that the Lamu people are kept away from the strife and struggles of the other parts of the country.

The next point which was made about the roads was by the hon. Chief Nzioka, when he said that he felt that none of this £4,000,000 loan was going to be spent in the African land units. Now, Sir, I would like to mention two or three matters. Firstly, the fact is that this £4,000,000 loan is specifically for trunk roads in the Colony and that when these trunk roads pass through the European areas or the African units it is not the intention that they should be bituminized on that basis. The object is to bituminize the trunk roads. I would like to mention, for the information of the hon. Member, that the road which is going to be proposed from Makuyu to Nyeri passes through the African land unit. It is possible that the Makuyu-Port Hall, the Kisumu, and the Kakamega roads will all come under consideration. In other

[The Minister for Works] parts of the country, when these trunk roads pass through African areas, they will receive the same treatment as the roads which will pass through the European Highlands. It is not the Government's intention that any discrimination should be made as between the various roads passing through the various parts of the country.

The other point is that my honourable colleague, the Asian Minister without Portfolio, was kind enough to pay tribute to me for having been able to secure the finance for this £4,000,000 loan. I would like to say this, Sir, that whilst I have been associated very largely with this scheme, the credit I must say should go to the Minister for Finance, and the Treasury, who have given me a great deal of assistance, advice, and guidance in securing this loan. I would also like to pay tribute to the section officers from the Treasury and my Ministry who, before it was possible to come to the final arrangement, had devoted a great deal of time in arriving at the agreement and in conducting the negotiations.

Another point, Sir, which was mentioned by the hon. Nominated Member, Mrs. Gecaga, concerned family housing. Although this matter does not fall within my purview, since the Minister for Housing has already spoken I think it is necessary for me to say that such planning of housing and even a great deal of housing is being designed, with a view to family housing as opposed to bachelor quarters, and the Government is fully aware that it is necessary to provide suitable quarters for married civil servants. This point of view is not at all neglected.

The hon. Member for the Eastern Area refers to the great deal of development which has been going on in the coast area, and I think, Sir, the road referred to was the Ramisi Road. Much as I would like to assist the cost in devoting some of the money from the loan to that road, it is just not possible, but I would say this, that I will bring the matter to the notice of the Road Authority once again and see that from the ordinary revenues of the Road Authority something ought to be done to convince the local people there that

Government recognizes their work in the development of the country and is prepared to give them whatever assistance it can. In that respect, Sir, my colleague and friend, the hon. Minister for Agriculture, has referred to the efforts of the Government in another direction for the similar schemes, and that a great deal of work has been done on the Chemelli Road which carries the sugar produced in that particular area. Sir, I would like once again to mention that it is Government's policy that the first priority will be given to the production areas as opposed to those roads which solely cater for passengers and tourist traffic. By that, Sir, I do not mean that the Government is not prepared to recognize the value of tourist traffic to this country, but when pressure is brought on us to bituminize the Mombasa Road as opposed to the road between Mau Summit and Eldoret, we cannot help feeling that, whichever way we look at it, it means that the up-country roads which carry a lot of produce and which will help the development of the country are more important and that the road to Mombasa, much as I would like—and my friends who live up-country would like—a jaunt to the coast on a tarmac road, must wait. So far as Mombasa is concerned, the only promise I can make is that the road between Mackinnon Road and Marikani will come up for consideration, as we feel that with the traffic density in that area, that road ought to be made up in order that the previous expenditure which has been made by us and the military authorities would not be wasted.

The hon. Member for Ukamba, generally with youthful energy and enthusiasm, gets up and makes remarks and finds that they are not quite accurate and not quite what he thought they were. I must say that when he finds he is mistaken in whatever he has said, he apologizes. I am grateful for this apology, and I would say that whenever he makes such remarks I never bear malice, although I may be resentful at the time. Now, Sir, he was kind enough also to come to the defence of the two Asian Ministers on whom some of the hon. Members on the other side of the House had made some attack. I would like to say this, that having worked in the Government for the last four years I

[The Minister for Works] have been convinced that, having come into close contact with the various political Ministers, we see each other's point of view much better than we ever thought it was possible to do. One thing I am quite convinced about, and that is that the Asian Ministers—and for that matter the present African Ministers—go a long way towards cementing better relationships between the various communities, and I do feel honestly and sincerely that if the Asian community ever refrained from taking part in the Constitution I think they themselves would be the greatest losers by their action. I do urge upon people of all shades of thought that although the Constitutional fight is open to them and that when they feel aggrieved about certain things, the correct thing is to try to remedy the situation and not go around saying it is hopeless. I think we ought to take a leaf from the book of our forefathers in this country who, in their initial stages, had to face a lot of economic as well as political difficulties. When we look back upon the picture over the last ten years I think we can hardly believe that it is possible to have made so much progress in such a short time in this country, and I beg all the responsible Members of this House and all the people in this country to realize that, much as we may sometimes feel aggrieved about matters, it is our duty to see that these problems and difficulties are solved and not to take action that is likely to aggravate the situation.

Another point which was mentioned by the hon. and gallant Specially Elected Member, Colonel Bruce McKenzie, was the matter of aerodromes. My friend the Minister for Commerce and Industry has touched upon this subject, but since I also am concerned in the maintenance and the construction of the aerodromes I would like to assure him, and the House, that the Government is fully aware of the necessity of having first-class aerodromes, as many as possible, and that due regard is being paid to whatever is possible with the limited finance at our disposal, and if something is not done as quickly as some hon. Members would like, it is not because the Government is unwilling to do so: it is because the call on the Government finances is so heavy that priorities

must be observed. If in assessing the priorities some of the hon. Members' projects are left out, they must appreciate that it is not because the Government wants to do so but because it has to do so.

Sir, I think these are some of the matters which have been dealt with in this debate. Before I sit down I would like once again to say something about the £4,000,000 scheme which I am glad to say is going ahead. The Government has every intention, Sir, that once this £4,000,000 scheme gets under way, and if it is possible, the scheme should be extended to £7,000,000, but much will depend on the money market at the time when we are nearing the end of this whole period, and also on how economically we are able to spend the present money.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

But, Sir, in road finances, quite often criticism has been made that we are paying a very high rate of interest and that Government could well have done without going ahead with this scheme.

Sir, if and when this Motion is brought before the House, details will be given to hon. Members to convince them that the money we are borrowing will not cost us any more than ordinary road finances will, and it is only a temporary loan which we are getting so that we are able to proceed with the urgently needed roads, and that in the ultimate result the country will definitely benefit from the action which has been taken by the Government.

Mr. Speaker, Sir, I beg to support.

CAPTAIN HAWLEY (Nominated Member): Mr. Speaker, Sir, it is just possible that some hon. Members of this Chamber do not know what a shifting backstay is. Have a look at me; I am one.

Sir, I support this Motion, and in doing so I want to congratulate Government on this new procedure of a shorter speech by His Excellency and a White Paper setting out in detail, the Government's policy. I think it is a most successful innovation and I hope it has come

[Capt. Hamley] to stay with us. I, Sir, as you know, am very much in favour of the shorter and more forceful speech. In fact, according to my elementary arithmetic, I work it out that if every Member of this Chamber in a debate like this was to shorten his speech by three minutes, it would save the taxpayer £1,000, and I strongly recommend it for consideration. I like the short speech and the forceful speech.

Perhaps you would like me to illustrate this, Sir. The speech that I admired most was that given by the captain of one of Her Majesty's ships on commissioning day. He had the ship's company fallen in aft and he said: "Sit down", and they sat down. Then he said: "Stand up", and they stood up. Then he said: "I would have you know—you so-and-so's—that that is the last sit down you will get this commission". You see what I mean, Sir? Pungent and to the point!

Now, Sir, I had intended to say something about this cult of Jomo Kenyatta, but in the present state of the House I realize that the somewhat blunt and forceful things I intended to say would be rather like hitting the wind, and therefore all that I am going to say is that I never cease to be astonished by the advocacy for that person which takes place in this House, and the lack of advocacy for the widows and the orphans that he was directly responsible for. Everybody says: "Poor old so-and-so; what bad luck it is he has to live up there under those conditions". What about these widows and orphans and the people that were killed by his express directions? They cannot do any of these things either, and it is those, I suggest to you, that we should be thinking about. You see, Sir, it is not only, in my opinion, *Mau Mau* that we have to think of; it is the breakdown of law and order. In that breakdown of law and order there was the opportunity for working off personal scores, and in my opinion a lot of these unfortunate people that are still being shut up had nothing to do with politics—nothing to do with the situation in this Colony at all—except that they had fallen foul of some renegeful neighbours, and I think we would do well to remember that. And I think we must also remember, Sir, what

it is still costing this country—what the breakdown of law and order is still costing this country. There cannot be the run-down of police forces that we would have hoped for. I had hoped, Sir, that by this time we would have seen the large Police Headquarters over the road there converted into an annex to the Treasury to house all those extra collectors of taxes bringing the sinews of war to make this Colony a much finer place than it is.

One thing I liked very much in His Excellency's Speech, Sir, was the fact that he said we have got a Government with a firm Constitutional policy, and there is going to be no vacillation. Now, Sir, I put it to you that we have got a firm Government, but even if we had not got a firm Government, a more important thing is that we have got a Government who is not going to change its tune every time the bell strikes. That—I put it to you—is the most important thing in this Colony. We must have a Government that governs firmly, and if it says a thing it sticks to it and does not continuously waver.

Now, Sir, I was very interested to hear the last speaker talk about roads. I found it rather entertaining. For the three or four years that I have been in this Chamber, most of the time has been taken up by talking about roads. All right; we are going to have those roads. It is most interesting to hear that we have got this £4,000,000. No one has very much to say about roads now, or about the £4,000,000, or about roads in any shape or form at all. As the Minister for Works said, the storm has died down into mutterings of local pressure and lobbying. Well, Sir, I hope he will take no notice of that local pressure and lobbying, and just get on with the Mombasa road.

Sir, I would like to touch on the question of hotels. I am the chairman of the Coast Subsidiary Hotel Authority, and I have learned a lot about hotels lately. We have 19; I think European hotels in the Coast Province, and 11 Asian hotels. It is an absorbing subject, and I am extremely pleased indeed to see the way that the new Minister for Tourism is getting down to the problem. I am not a great believer in soft soap and I do not want to scratch anyone's back, but he is

[Capt. Hamley] obviously getting down to the job, and he will find that it is a very complex job indeed.

I notice that—quite rightly—he proposes to grade hotels, but I would like to sound a note of warning there. This grading of hotels is more than just looking at hotels and saying: "One star, two stars, three stars". Those stars are going to be worth a lot of money to a hotel, and it is my opinion, after a year's experience of looking at hotels, that it is going to take someone pretty clever to grade those hotels according to stars. It is not a thing to be done by any layman—any odd member of the Hotel Authority—however much common sense and intelligence he has, and however much time he spends on the job. It is going to be a very tricky business indeed.

As a matter of fact, I think many of the present hotels are only going to rate for minus stars; I see minus stars, running down the list, but I see comparatively few positive stars. That is another thing. When I started looking into the job, I thought it was quite an easy thing to say: "This hotel wants bucking up a bit" or "That is a very good hotel". There is more in it than that, Sir. I find that these hotels cater for many different varieties of clientele. There are some—as I said in a report the other day—there are some very dirty and very low-standard hotels, which nevertheless cater and scale their charges, for the very dirty and very low standard clients. Those people have to live and it is going to be no simple problem to decide how and where. It is no use pushing those hotels out of business. It is no use going to those hotels and saying: "You have got to spend £1,000 in making this hotel into something fit for heroes to live in", because they have not got £1,000. One has to remember the various hotels' clients have to live somewhere, and it is a difficult problem. Then there is the problem of the beach hotel. The beach hotel, Sir, which does cater for the up-country family, with a string of children, at a price that the up-country family with a string of children can afford. If it is no use saying to them that because they have no hot water in the bath they must close down. It is also no use saying to them: "Put hot water in all the baths",

because that may be tantamount to saying: "Close down".

Sir, this problem is going to take a lot of thought to resolve in a common-sense manner, and I am very glad, as I said before, to see that we have got a common-sense Minister dealing with it.

Now, Sir, as I have been told to hang out until half-past five—one last matter, which you will all laugh at, but why the devil they laugh, I really do not know, I am going to mention the matter of fish. I am happy to tell you, Sir, that the question of coastal fisheries has at last advanced. It appeared very hopeless for about a year or more, but I am happy to report now that I think we are going to get some fish on the dish at last. We have persuaded the fishermen and the authorities to cut away from the Tajari system, and I think we are shortly going to have premises for fish auctions (starting at Malindi) at which they will also be able to manufacture flake ice, and therefore gut the fish and pack and send it into the Mombasa market. In Mombasa we have a private cold store being erected which will be able to bank the fish, and the municipally have been persuaded to put up fish stalls in the markets at Mombasa, so that the fish, on coming from the fishing ports, can get to consumers of all races and all standards, and that, I think, is a very great advance towards our target.

As I said before, Sir, I support the Motion.

THE TEMPORARY MINISTER FOR FINANCE (Mr. Mackenzie): Mr. Speaker, Sir, I must begin by apologizing to the House that after the excellent piece of naval strategy that we have just had from my hon. friend, I have to really begin with a number of somewhat dry financial matters, but since they have been raised during the debate, I am afraid that there is nothing for it but that I should attempt to give an answer.

I should, Sir, like to begin by congratulating my hon. friend the Member for Kiambu—I am not sure I should not call him the visible witness—for the way in which he has discovered the secret of East African Finance Ministers, which is that it is quite impossible to do the job unless you can be in at least three places at the same time. And, Sir, my hon. friend was speaking about the

[The Temporary Minister for Finance] meetings of the Select Committee on which I am sitting. Well, I am sure the House will realize that, much as no doubt they would like me to do so, I cannot make any disclosures about what is going on in that committee. I would, however, like to mention a few major points related to it. One of the points that I would suggest, arising from my hon. friend's speech, was that amongst other things he did mention three companies that he is interested in a certain way and he said that they would suffer from the effects of the proposed undistributed income tax. I do suggest, Sir, with all humility, that it might have been a good idea if my hon. friend had considered bringing the information which he has to the notice of the Kenya Treasury or, possibly, better still, given evidence before the Select Committee. It is precisely this kind of factual evidence, the existence of which he informed the House, which would be of very great value in considering this highly complicated matter and I should suggest, Sir, that that sort of action would be of greater value to those who would be considered the matter than merely referring in general terms to it on the present occasion.

Sir, my hon. friend the Corporate Member for Commerce and Industry—

MR. BOMPAS: Mr. Speaker, Sir on a point of explanation, that has been done in respect of one of the companies in considerable detail by a professional man who is a Member of this House.

THE TEMPORARY MINISTER FOR FINANCE (Mr. Mackenzie): Sir, my hon. friend the Corporate Member for Commerce and Industry also mentioned this Select Committee. He said, Sir, at one point, he will correct me if I am wrong but I think this was what he said, that the Select Committee was not of as great a value as it might have been because the territorial representatives had said they could not accept any amendments affecting the revenue. He went to say that the Government should ensure that no provisions detrimental to the Colony were included, and he thought that similar action should be taken regarding rates. The Government, in fact, should take a long view of things.

Now, Sir, I think that my hon. friend will be fully aware of the difference between the Management Acts and the Rates and Allowances Act, but in case that it is not clear—and certain things that other people say from time to time lead me to believe that it may not be clear—I think I should say that the Management Act is principally there to state how income shall be measured and who shall be affected by it and, therefore, it is quite obvious that in principle any Management Act should be equally effective, quite irrespective of the rate of tax.

Now, Sir, the published Bill which is under consideration at the moment represents the views of the various East African Administrations that have been reached after very careful consideration of very many opinions expressed, particularly with reference to the reports by the Gill Committee and the Coates Commission. It is an honest attempt to give effect to the various views that have been expressed. I do not think that any of the Administrations would claim that it was perfect and I do not think that anybody would ever claim that any Act that could be passed was perfect. Perfection is one of those things that are awfully difficult to achieve, particularly in legislation of this kind. All I can say, Sir, is that certainly this Government and, I think, the same goes for the other Governments and Administrations, has been always prepared to listen to constructive criticism and to welcome it. That, Sir, I would like to say is also the position of the Select Committee. The Select Committee is there to hear evidence and its task is to produce the most effective and equitable Management Act that it can. I am sure that all the members of the Committee have got that objective in view and while revenue is important, they realize and certainly the East African Finance Ministers realize, that there is no point in killing any goose that lay golden eggs and they have no desire to do so. As my hon. friend knows, the Select Committee has an unofficial majority and it is going into all the representations that are made to it most carefully. I do suggest that all Members might await the report before they jump to any conclusions about the attitude of either the whole Committee or of any members of it, towards the Bill.

[The Temporary Minister for Finance] Then, Sir, I would like to say that as regards taxation matters generally, the Government is just as capable of taking a long-term view as any other Members of this House. There is only one small difference that I must point out and that is, of course, that the Government, unlike those who are generally opposing taxation measures, cannot wait for that long term or that long run when we are all dead.

Now, Sir, a good deal has been said during the debate about the discouragement of capital as a result of these proposals and we have heard a good deal about that on various occasions during the last six months. I do think, however, that I would like to express one point of view about this and that is that there has been pretty violent criticism of certain of the proposals from the very beginning and I think that all hon. Members will agree that the public both here and abroad have probably heard more of the criticisms than of the other side. Whilst, Sir, I am not suggesting for one moment that it is not perfectly reasonable that if people disagree with a proposed measure they should not criticize it, I do wonder whether to a certain extent the very violence of the opposition may not have had at least as much effect in driving capital away—that is if capital has been driven away to a considerable extent—as have the proposals themselves which, when all is said and done, have only been available in a detailed form for a relatively short time, which are extremely complicated and the effect of which cannot be assessed too easily.

As I say, Sir, I am not suggesting that there should not be criticism, but sometimes if it is violent it may do more harm than that which it seeks to rectify, and the Governments and their Finance Ministers are reasonable men who have always been prepared to listen to reasoned criticism. I suggest, Sir, that those who have to decide the measures may wish to consider whether more might not have been achieved in quiet discussion with those responsible, instead of passing resolutions and generally shouting from the roof-tops what wicked Governments there are and what a bad thing it is to invest capital in these territories in general and in Kenya in particular.

Certainly, I think, Sir, that that would have been less harmful to the country and certainly that approach is, in my experience, generally more effective.

Now, Sir, to leave the question of the Management Act and the Select Committee except for one point and that is that my hon. friend the Member for Ukamba mentioned or said that—I think he said—he understood that certain sections of the Act were being actually worked on at the present time by the Income Tax Department, and in particular he mentioned the section dealing with coffee averaging. I would like to give my hon. friend the complete assurance that the Department is at present working under the existing Act and that the alterations in respect of coffee averaging were covered by an amendment to the existing Act which was passed by the Central Assembly in March, 1953.

Now, Sir, another point dealt with by my hon. friend the Member for Kiambu was that he hoped that the Government had no intention of trying to retain insurance capital or any other capital in the Colony by legislation. That has been dealt with by my hon. friend the Minister for Commerce and Industry and all I can do is to endorse fully everything that my hon. friend has said on that subject.

Sir, also closely connected with this question of investment were certain points made by the hon. Corporate Member for Agriculture. He mentioned, Sir, the statement in the Sessional Paper and in His Excellency's speech regarding exchequer loans and wondered whether this would mean that the Government might be able to obtain money for lending to farmers. The point is, I think I should explain, that the announcement that the Exchequer would act as a lender in the last resort was really related to Governmental development expenditure in the light of the present difficulties on the capital market. The idea is that if we cannot raise the money we need to finance our essential development, our public development on the market, that the Exchequer will be prepared to stand in as a lender at the last resort. Regarding that, Sir, the point was mentioned by my hon. friend the Member for Trans Nzoia who felt rather doubtful about this. He did not

[The Temporary Minister for Finance] think that the reference to these loans, or to the Exchequer as a lender of last resort, was too encouraging, and he said quite rightly that during the war money is available pretty freely, and why not for development in peace time. Well, that, of course, Sir, is a thought that I am sure has often occurred to everybody, but I think the difficulty is in peace-time rather different criteria do apply, and I personally would hope for as long as possible the Colony would be able to raise the money it needs for its public development needs on the market, and that we should only have to go to the Exchequer as a lender in the last resort, because, quite obviously, so long as we can raise money on our own credit we must remain in a much stronger general position than if we have to go along and justify our lending to the Exchequer.

At the same time it is extremely gratifying for us to know that this proposal has been made by Her Majesty's Government, because it does presumably mean, in fact it certainly means, that Her Majesty's Government are not prepared to see development in a colony like Kenya come to an end because of difficulties of raising money on the market, and that, Sir, I think, is a very great step forward and something we should be extremely thankful for.

Another point that was made by my hon. friend the hon. Corporate Member for Agriculture concerned the rate of interest and he suggested that the Government should try to keep the rate at 5½ per cent irrespective of the rate of interest, and even if the borrowing rate fell below that level. Well that I agree has considerable attractions but I think that my hon. friend will probably agree that while it will be fairly easy to obtain general acceptance of that idea when the normal market rate was above 5½ per cent; if it were well below 5½ per cent I rather suspect that the lending authority would come under pretty heavy pressure to reduce its rate.

I would also like to mention that I understand that the rate has in fact been reduced to 6½ per cent and on every £1,000 raised this only makes £10 difference as compared with the 5½ per cent which my hon. friend mentioned as being a pretty good figure.

Now Sir, whilst on these financial matters there is one important point which was raised by my hon. friend the Member for Mombasa regarding tourism and exchange control. My hon. friend spoke about exchange control and he mentioned a much publicized circular which was taken in many quarters to imply that the Government was tightening its control over the acceptance of foreign currency and thereby interfering with the interests of the tourist trade, and what is more it was doing this at a time when many people felt that there should be greater relaxation. He asked, I think, for an assurance that if an American tourist came into the Colony and went into a barber's shop in Salim Road and offered a ten dollar bill that it would be accepted and that the tourist would not be sent away to a bank before he could have his hair cut. Well Sir, I must first of all make it clear that the circular which was issued and which created this furor introduced nothing new and it was indeed a repeat of a notice that had been issued some two years earlier. It sets out the existing position under the law that only authorized dealers, that is to say recognized banks, shall be entitled to deal in foreign currency without the permission of the Minister for Finance and I think that the House will agree that there can be no question of altering the legal position so long as exchange control remains necessary.

The Government has, however, been giving consideration to the practical application of this particular law, and I can, Sir, give the House an assurance that it will not be applied in such a way as to interfere with the legitimate trade of businessmen, in particular shopkeepers who have dealings with tourists. The same, Sir, applies to hotels. Shopkeepers and other businessmen, including hotel-keepers, who do a substantial business with tourists, will, as at present, be expected to obtain a specific permit from the Treasury to accept foreign currency and travellers' cheques for goods and services which they supply and I do not think if they are doing substantial business this will entail any great hardship. They will also be expected to encash their foreign currency notes or their travellers' cheques in connexion with purchases or services rendered by their

[The Temporary Minister for Finance] own businesses and to observe the proper market rates of exchange as notified from the bank and to hand over the currency purchased from the tourist to a bank without unreasonable delay for exchange into sterling. I do not think, Sir, this would constitute any hardship to the sort of business with substantial dealings. Then, Sir, there are the other people, the small people, the barber in Salim Road, to whom my hon. friend referred. So far as they are concerned, if they are found to have accepted foreign currency without direct exchange control permission I can give an assurance that they will not be prosecuted so long as they take all reasonable steps to offer the foreign currency so obtained for sale to an authorized dealer, that is to a bank, as soon as they can reasonably be expected to do so. In short, Sir, we have no wish to discourage legitimate over-the-counter trade with non-residents for foreign currency. Although it is necessary to maintain the law unamended in order to deal with anybody who might abuse the opportunities offered we have no intention whatever of prosecuting anyone who accepts foreign currency from non-residents so long as he takes all reasonable steps to hand it over to a bank as soon as possible.

Now, Sir, my hon. friend the Member for Mombasa also mentioned one or two other points, and I would like to answer those points. He said, Sir, that the present was a time for a policy of restraint and that we should encourage public capital formation. The Government has been attempting to do that, and the evidence of that has been in its plans for building more roads, housing and offices. In any economy exercised the main victim will necessarily be recurrent expenditure, and obviously capital formation if it can possibly be carried on will be carried on. It largely depends, of course, on this question to which I have already referred of the capital market.

Another point, Sir, that my hon. friend mentioned was customs and excise receipts, and there I would like to assure him that so far as we can tell from the Exchequer receipts for the first four months of the year that the amount received in the first four months was £4,125,000, and that multiplied by three

gives £12,375,000 as against an estimate of £12,700,000. There still is a shortfall on that basis of £425,000 or 3.3 per cent, but it has improved a little since the end of the first quarter, and I think that it in fact points to the need for caution rather than for courage.

As regards, Sir, the final points on financial matters that my hon. friend mentioned, these were the Plewman Report and the opening up of the gap between direct and indirect taxation, Sir, all I can say there is that we might be asked to be judged by our actions during the last Budget.

Now, Sir, my hon. friend the Member for Ukamba also referred to certain taxation matters which he hopes will be borne in mind and I am sure that he would not really expect me to say anything other than that I took note of what he said. Another point mentioned regarding taxation was by the hon. Member for Rift Valley, who suggested that a new system of taxation was probably needed and all I can say there, Sir, is that I shall be very grateful if he would give me the full information about any ideas he may have on this subject, because the Government, as all hon. Members know, is generally looking — is always very pleased to have any such new systems. My hon. friend the Member for Rift Valley also mentioned the importance of division between central and local government expenditure and there again I can say that is a matter the importance of which is certainly not lost on the Government.

A number of speakers mentioned the Government's current economy campaign and hoped that the priorities would be right, but I think that most of the points were actually covered in the speech made by my hon. friend, the Specially Elected Member, Mr. Slade, and I think possibly if I reply to the points made in his speech in closing I shall have covered most of those which it is necessary to deal with.

I was very glad, Sir, to see that my hon. friend welcomed the references in the paper to economies, although I would say that in view of all the services for which we are continually being asked and which we know to be necessary in the Colony, this is not a matter for cheerfulness either by the Government,

[The Temporary Minister for Finance] and I am glad to see that it equally is not the sort of thing that hon. Members opposite will be prepared to cheer about. In other words, we are all in favour of economy, but we do hope it will not be necessary to cut the services.

Well, Sir, my hon. friend then suggested that this economy campaign was not entirely consistent with certain points made during the Budget speech, and he thought that this might indicate that the figures on which the Budget was based might not have been so reliable or might have been misinterpreted or might not have been fully disclosed in that in this way it was possible that the Government had been misled in putting forward this expenditure proposal. Well, Sir, I would like to refer that most strongly. The Government has continuously been kept informed of the Colony's financial and economic position and we have been fully aware, Sir, ever since the end of the 1956 boom, of the need for caution in going ahead with new proposals, and that we must not over-commit ourselves too far ahead. The Government, in this period of uncertainty, has seen to it that risks have been cut and that any non-essential expansion has, in fact, been cut out. The House can accept my assurance that many very desirable things, in fact, get cut out, not at the stage when they reach the Treasury but before they get there, in Ministries, because Ministers are fully aware of the fact that we can only afford the most essential things. However, Sir, there has been no cutting back, and this year's estimates—I would like to make this clear—provide the minimum amount of finance for the Government programme as put forward to the House at this time last year. There was no reason in March to doubt that the revenue would match expenditure this year, and even at the present time there is certainly no reason for believing that there will be any great shortfall. The point is, however, Sir, that the revenue is not expanding as fast as might be hoped and therefore the Government decided to look at its policy to ensure that growth did not outstrip revenue.

The Government is fully aware of the need for more selectivity and the recruiting ban was not introduced as a panic

measure, but rather to give room for manoeuvre during the period when policy is being reviewed. It facilitates redeployment in a situation when automatic growth is no longer probable.

Sir, one final point. I would like to say most earnestly that there is no question of panicking. This Government, Sir, does not panic; there is no question of wild slashes. This Government has opposed and still continues to oppose the Geddes approach. The priorities, Sir, which have been mentioned are unchanged; they are as they have been all along—those of security, of short-term economic advance, of long-term economic advance and of social and welfare services. I suggest, Sir, that the speech showed that those priorities still hold good; the balance is maintained and the Government intends to see this Colony going forward although perhaps it may not be possible to do so at quite the speed of the past few years.

Sir, I beg to support.

MR. SPEAKER (Sir Ferdinand Cavendish-Bentinck) If no other Member wishes to speak I will call upon the Mover, Mr. Rubia, to reply.

MR. RUBIA: Mr. Speaker—Sir, I beg to cede to my hon. friend, the Chief Secretary, the right to reply.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I would like to begin by thanking all Members of this House for the welcome they have given to the speech of His Excellency the Governor. After the definition which has been given to the word this afternoon by my hon. friend, the Minister for Agriculture, I rather hesitate to call it "forthright", but forthright it was, for a particular reason, and that was that His Excellency obviously felt that a lead at this particular time was necessary for all communities.

In replying to this debate, I would like to pay a very considerable tribute to the two Back Benchers who proposed and seconded the Motion, the hon. Mr. Rubia and the hon. Mr. Mohindra. In so doing, I would like indirectly to pay a tribute to all the Back Benchers of this House at this point, because I feel they are in a very difficult position. They have agreed to accept the Government whip and at the same time to try and express their own feelings on current matters which

[The Chief Secretary] are of great importance to them individually. I think you will all agree with me that the standard of their speeches in this debate has been of a very high order. I think they have contributed most particularly to the debate.

I would also like to thank those Members who accepted the new procedure which has been brought in this year. I think myself—and my colleagues also—that it is a good idea that we should give the Ministries, a better chance of setting out, in greater detail, their own feelings about policy for the coming year. By so doing, it must obviously give hon. Members on the opposite side of the House a better chance to understand what underlines that policy rather than possibly the close-clipped exposition which has been in the Governor's speech in previous years. I hope therefore that hon. Members will endorse this policy for the future.

Turning first to the hon. Specially Elected Member—the person whom I perhaps like to call Don Quixote Slade—I find that he looks as though he is again going to tilt at the windmill of inducement. Well, Sir, I notice that he has put down a Motion on this matter and, therefore, I will leave it until we debate the Motion. I notice also that the question of efficiency of management came up again. I do not want to bore the House, but I notice that I have been misquoted in the papers, and I would just like to reiterate what I said at the time in that debate, with Mr. Speaker's permission. I said that our view on the question of efficiency of management was this: the taxpayer has every right—and this is where I have been misquoted—the taxpayer has every right; he has the right to look at the expenditure of the country; he has every right by his representative Members in this House during the Budget and also through the Public Accounts Committee. I did not see he had a right however to interfere with the management of staff of the Government. I was then called to order by my hon. friend the Member for Kiambu, who said that he was talking not about efficiency of management but management audit, and I accept that correction; but I still think the proper place for management audit

is within the Government itself in the Audit Department.

Now, Sir, turning to another point made by the hon. Member, the Specially Elected Member, Mr. Slade, he said he wished to hunt out individual responsibility. Sir, I cannot accept that remark at all because there is no individual responsibility at all in this Government; there is a collective responsibility. If there has been any question of any mistake—which we deny, and you have listened to the speech of the hon. Minister for Finance; if there has been any negligence—which again we deny—then it is a collective one and there is no question of individual responsibility in this matter at all.

I go on now to the question of certain services to which the hon. Member referred. He referred to these services, as did the hon. Corporate Member, Sir Alfred Vincent, and the hon. Member for Nyanza. They all expressed concern that the Government, in its desire to exercise economies may, without giving due consideration to all the problems involved, wildly slash expenditure for services which we cannot afford to cut. I can assure the hon. Members that the Government is well aware of the necessity for keeping in mind the priorities of our economic needs, and that the importance of internal security has not been overlooked; so much so that in the police, the embargo on recruitment has been lifted entirely for gazetted and inspectorate ranks, and arrangements have been made to permit the wastage which constantly occurs in the lower ranks to be systematically replaced by a regular intake of new recruits.

In saying that, Sir, I must also tell Members, of course, that there are other important posts which must be filled and these are being carefully considered by myself from time to time. They are being put up as special cases to me by the Ministers concerned. Therefore, while the Government accepts that there are certain priorities, we do not necessarily accept at the present time that we must fill all posts, and that is one of the economies that is being made.

Also, although posts in the Civil Service which were not filled on 20th August this year are subject to an embargo, as indeed are vacancies which arose subsequent to that date for any

(The Chief Secretary) — reason, it has been agreed that officers appointed locally on agreement terms and whose contracts run out during the period of the embargo may have their contracts renewed. This ensures that there will be no increase in the ranks of the Colony's unemployed due to Government retrenchment, and that was the point I think which my hon. friend the Member for the West Electoral Area was particularly interested in, and I would like to point out to hon. Members that, although we are trying to economise, there is no intention of throwing people out on the streets. Whilst this cannot perhaps be said to be a contribution to the hon. Specially Elected Member's second priority of prosperity, it will at least provide a measure of security for the individual.

His third priority of long-term development, as much as it affects the employment of the peoples of this Colony, must be related to the amount of money which we can make available for such development.

Then he went on to say, "Let us help if the Government will only allow us" Sir, I am quite prepared to agree that we would benefit by his help or any other person's help. Indeed, the hon. Member himself knows that I have personally discussed a number of problems in which he is interested with him, and I am always prepared to do so as indeed I know that my colleagues are prepared to do. What we feel rather strongly is that it is not by any means always the duty of committees of the Legislative Council to set right the wrongs which the hon. Member feels very strongly about. Usually there are other ways of dealing with these wrongs, and I would suggest that the hon. Member should keep very closely in touch with individual members of the Government if he wishes the help, which he is offering, to be accepted.

MR. STADE: Mr. Speaker, I thank the Chief Secretary for giving way.

I was not merely talking about the help I offer. I was talking about the help that many, many members of the public offer outside this Council. I was not talking about the committees of this Council.

THE CHIEF SECRETARY (Mr. Coutts): Well, Sir, I accept the hon. Member's amendment and I can assure him that if the help is forthcoming it will be accepted.

I would like to turn now to the Member for the Central Electoral Area who talked about the question of electoral laws and constituencies. Mr. Travadi suggested that postal voting should be abolished. New postal voting rules were introduced early in 1958 and we have found no difficulty in operating these rules. In the latest series of by-elections which covered six areas, including the Central Area, there has been no evidence of any malpractices and we should want something much more definite than vague suspicion of what the hon. Member for the Central Area calls "tricks" before we introduce into this Council a Bill to deprive of the vote those people who find themselves too far from polling stations to vote in person. Still less would it be wrong to introduce legislation which would single out Asian voters for a deprivation of the right to vote.

Also, Sir, the other hon. Member for the Central Area commented on electoral practices. I was glad to hear that he was opposed to special legislation for Asian elections. He thought, apparently, that whatever inconvenience there was in postal voting it could be reduced by increasing the number of polling stations. A multiplication of polling stations is a costly business and I cannot promise anything at this stage. But we will certainly consider the matter sympathetically when the time comes.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The time has come for the House to adjourn. I therefore adjourn Council until 2.30 p.m. tomorrow, Thursday, 13th November.

The House rose at fifteen minutes past Six o'clock.

Thursday, 13th November, 1958

The House met at thirty minutes past Two o'clock.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair)

PRAYERS

ORAL ANSWERS TO QUESTIONS

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): There are a number of questions standing in the name of Mr. Oguda.

QUESTION NO. 24

MR. TYSON (Nominated Member) asked the Minister for Commerce and Industry whether he has considered the Distribution of Industry (Industrial Finance) Act, 1958, recently enacted in Great Britain and whether he will, in conjunction with the Minister for Finance, consider the desirability of introducing similar legislation in Kenya.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I beg to reply.

The Government is aware of the provisions of the Distribution of Industry (Industrial Finance) Act, 1958, in the United Kingdom and has considered them together with those of the Distribution of Industry Acts, 1948 and 1950.

The Government is not satisfied that all the provisions of the Act would necessarily benefit Kenya; our financial resources are, in any case, inadequate to meet such commitments.

MR. TYSON: Mr. Speaker, Sir, arising out of that reply, does the Minister realize that this legislation in Great Britain has been introduced to deal with precisely the same problem that we have got to face here, i.e. unemployment in the distressed areas?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I am aware of the provisions of the Bill that has been introduced in the United Kingdom. I am not aware that all conditions in Kenya precisely coincide with conditions in the United Kingdom.

MR. TYSON: Mr. Speaker, Sir, arising out of that reply, would the Minister read the speech made in this Council by

the hon. Earl of Portsmouth and which is reported in HANSARD of 16th October.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I have read the speech of the hon. Member.

SIR CHARLES MARKHAM: What does it say?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I read it with the greatest interest and no doubt the hon. Member who interrupted can summarize it most effectively.

QUESTION NO. 17

MR. USHER (on behalf of Mr. Alexander) asked the Minister for Tourism and Common Services to state:—

(a) Why was it necessary recently to use a four-ton lorry with one driver and two assistants to deliver one packet of duplicating paper to the Duke of York School, and thereafter a few packets of soap flakes to the Prince of Wales School?

(b) What is the calculated cost of such a delivery, including depreciation and overhead expenses?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): The records of the Supplies and Transport Department have been carefully examined and there has been consultation with the school authorities concerned, but no journey has been found that corresponds with that described by the hon. Member. In the first place, the Department has no four-ton lorries. Further, no delivery of duplicating paper to the Duke of York School and thereafter of soap flakes to the Prince of Wales School has been made on the same journey or on the same day at any time during 1958.

I will give the hon. Member full details of all the journeys that have been undertaken.

MOTION

THANKS FOR EXPOSITION OF POLICY BY HIS EXCELLENCY THE GOVERNOR

Continuation of debate adjourned on 12th November 1958.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, when Council adjourned

[The Chief Secretary] . . . yesterday evening I was talking about elections and polling stations. Now, the hon. Member for the Central Area, Mr. Travadi, also suggested that the Asian constituencies were too large and that the remedy would be to increase the number of Asian seats from six to 18. I would like to remind the House that the number of seats is restricted not by the Election Law but the Constitution Order in Council.

The other hon. Member for the Central Area, Mr. Janidar, suggested that in his constituency voters should be compelled to vote for two candidates and that a ballot paper marked against the name of one candidate only should be invalid. I am very much in sympathy with the purpose of this suggestion which is if I rightly understood the hon. Member, to break down the communal barriers with in the Asian community, but we shall have to give the matter considerable thought before we agree that a voter who likes one candidate and does not like any other should be forbidden to say so.

Now, Sir, turning to the hon. Member for Mombasa, he dealt with the question of restricted movement into towns and urban areas. I agree with the hon. Member that it does not appear as though the Government has taken much action in this matter, but I do assure him that the Government has given it a great deal of thought. The result of our thought is that unless you are prepared to dig a moat round the towns it is probably very unlikely that you will be able to restrict movement. Of course, the hon. Member is lucky in that nature has already provided him with a moat, and therefore perhaps by using it we might be able to ameliorate the situation in so far as his own urban area is concerned. But it is a very difficult problem and I would like to tell the hon. Member that we have looked at the results of what other countries have done with a problem of this nature and we have certainly discovered that any form of passes or restriction by passes has usually resulted in chaos and has not in fact resolved the problem. I will give him an assurance, however, that we are still looking at it and I hope that we may be able to find some solution, which I think must be

tied up at some stage or another with available accommodation in the towns.

The other point which he raised was the question of amendments to Vagrancy Ordinance which he stated Government had promised. I can assure the hon. Member that the amendments are already in draft and will be brought before this House.

Now, Sir, much was said about the Civil Service. As the head of the Civil Service I feel I must take up the time of this Council to deal with some of the points which were raised. There were so many that I do not intend to deal with them all, but perhaps I can crave the indulgence of Members to allow me to spend a certain amount of time on this matter.

The Member for the East Electoral Area, Mr. Hassan, said that the Civil Service was well insulated by the Government and that it had not been attacked by anyone. I am happy to have his assurance that such is the case, because I and indeed many of my colleagues have in the past been under what I now find clearly to be a misapprehension that the Civil Service is more or less continually under fire. In the *Allegory of the serpent* of the old Nile, which seems to have been imported into this debate, I shall in future be able to say, whenever any hon. Member mentions the Civil Service, the same as Enobarbus said of Cleopatra: "Her passions are made of nothing but the finest parts of love".

In his speech the hon. Member for the Central Electoral Area said that although the adoption of the Libbury Report had in theory abolished racial discrimination in the Civil Service, in practice this was not the case. I cannot accept this allegation for which there is no foundation in fact. All officers, of whatever race, are recruited into the service in accordance with their qualifications and experience. The Civil Service Commission is completely impartial in its selection of local candidates for appointment. Posts are graded in accordance with duties and responsibilities, and the hon. Member's statement, that certain posts were designated so that they may not fall into a particular scale of salary which is meant for a particular type of official or a particular type of clerk, is nonsense. His allegation that efficiency

[The Chief Secretary] bars are applied as a means of discriminating against members of a particular race is not only untrue but, I would say, thoroughly objectionable. The passing of efficiency bars is rigidly controlled throughout the service and for the higher ranks the cases of officers due to pass such bars are considered by a committee of which I personally am the chairman. In the case of lower-ranking officers each Ministry has its own committee which is personally presided over by the permanent secretary. There can be no question of an officer's suitability to pass an efficiency bar being assessed on anything other than the quality of his work and conduct.

He referred to "types of tricks" We may be up to a lot of tricks, but not that type.

Now, Sir, coming to the Specially Flected Member, Mr. Muchora, before he came into this House the hon. Member was a member of the Civil Service Commission and he was also President of the African Civil Servants' Association.

I would like to pay tribute to the excellent work he did in both of these capacities. At the same time, I would express surprise that he claims ignorance of Government's avowed policy in regard to a non-racial Civil Service, and of its intention to build up a service from within the Colony's resources. He referred to the training grades and asked for evidence of what progress had been made and the number of persons who had been appointed to these grades. I regret that this statistical information cannot be obtained immediately and I would be grateful if the hon. Member would put down a question in due course to which the answer can be supplied when the necessary figures have been obtained.

Training grades are considered by Government to be of the highest importance, so much so that the recent embargo on recruitment has not been applied to such appointments. In addition, if local applicants cannot be found for certain posts—and let me emphasize once again that all local sources are tapped before we go overseas—and permission to recruit overseas is sought, pressure is applied to the ministries or departments

concerned to commence training for that particular category of post in order to ensure that local candidates will eventually be available.

Now I must strike a note of warning with regard to those who wish to introduce a policy that local persons must be recruited at all costs regardless of the standard. I can assure the hon. Member that it is the policy of the Government to recruit local persons to all posts in the service, always provided that standards are maintained. That the Government are promoting this policy is not—and I imagine this is what the hon. Member was getting at—is not to say that vacancies will be filled on racial percentages. Vacancies are open to all local persons regardless of race, and the Government will not allocate these vacancies numerically, according to race.

There are a number of other matters which the hon. Member raised, but I have no doubt that I shall be able to answer them on another occasion, when a Motion now on the Order Paper is debated with regard to Civil Service conditions.

Talking about the Civil Service reminds me of a story of a civil servant who was on holiday, and he went to a local farmer and asked if he could help; the local farmer said he would be delighted. At the end of the first day's work, he said he had done an extremely good job; at the end of the second day, the same thing happened. On the third day, when he went along to see the farmer, he was shown a large pile of apples, and the farmer said: "Now, sort these apples out into grades: large grade, middle ones, and small-sized." When the farmer came back in the evening, he found the civil servant quite disconsolately sitting on the floor and nothing had happened. He said: "Why have you not sorted out the apples?" The civil servant said: "Well, Sir, today I had to make a decision."

That is the sort of job which is continually being made at civil servants as a whole, and I would like to say once again what I have already said in this House, that I feel that there are too many jobs at the civil service and at his terms and conditions, so that it does have, on the whole, an extremely unsettling effect on them. Whatever we

[The Chief Secretary] " may feel about this country and its future, unless you have a contented Civil Service with a high morale, there is very little you can do. I know that the farmer has got his part to play and indeed plays it to the full; I know that people in industry have got their part to play and also play it to the full. But if we destroy our Civil Service by constant attacks, then the whole fabric of the country falls to pieces. I do ask hon. Members to remember that when they bring Motions or make speeches on this subject.

I will now turn to the hon. Member for Mount Kenya. I think that the Minister for Defence dealt with most of his points. As regards rural telephones, the position is that the Minister for Commerce and Industry and the European Minister without Portfolio will be seeing the Postmaster-General this week regarding the exchanges at Timau, Donyo Sabuk, Naro Moru and Karatina. In the meantime, I gather that staff is being stepped up to maintain a full service until this matter can be sorted out.

He raised—as indeed did the hon. Member for Ukamba—the question of subversion. Well, subversion, as the hon. Member knows, is a wide subject; it is also rather difficult of definition. The hon. Member for Ukamba made a plea that if the law was weak he would be prepared to help in this House to amend it; I have discussed this matter with my hon. colleague, the Minister for Legal Affairs, and if the hon. Member has suggestions I would be most grateful if he would bring them forward.

In so far as prosecutions for seditious are concerned, the hon. Member knows that there are difficulties attendant on such prosecutions, but he did mention the question of certain newspapers, and I would like to assure the hon. Member that the Government has not been asleep in this matter. Indeed, two, at least, if not three warnings have already been given to the persons concerned. I wish to say now quite flatly that although it is a step which the Government would very much deprecate taking, if necessary, and if these warnings are disregarded, we will have to proscribe these papers. It is a very serious thing to say in this House, Mr. Speaker, but that is the

situation we are now in. If the warnings will not be taken, then that is the step we shall have ourselves to face.

The hon. Member for the East Area referred to that part of the Communication from the Chair in which His Excellency quoted the Secretary of State as saying that the Government of Kenya must be in the hands of responsible people. Mr. Hassan asked for a clarification of the term "responsible". I do not think that a man of his experience in public life can fail to know that a responsible person is one whose actions are dictated by what he honestly thinks is the common good, and are not taken merely for popularity or demagogic effect. Mr. Muchura probably came as near as anyone can to a satisfactory definition of a responsible person when he said it was someone who looked objectively at a problem and tried to find the best solution.

I can assure the hon. Member for the East Area that the Government does not imagine that objectivity and a feeling of responsibility are restricted to any one race. We have on the Government Front and Back Benches Members of all races who have shown themselves to be responsible Kenyans, and I have no doubt that there are on the other side of the House persons who are prepared to look at problems objectively and to try to find solutions which are in the best interests of the country as a whole.

It is those persons that the Secretary of State had in mind, I think, when he said it was right to associate the people of the country of all races with its Government.

Turning now to the question of broadcasting, the hon. Member for Central Area—Mr. Jamidar—raised some points. I think about the Asian programmes. I take it he was referring to the Cable and Wireless programme. I am sure that hon. Members will appreciate that this Government has no direct control over those programmes and it would not be proper for me to comment on them, at any rate without much fuller information. I would suggest that hon. Members might agree to let me have some details of what they have in mind so that they can be considered when we ourselves are considering our proposals for the Government service which we hope to bring into operation next year.

[The Chief Secretary]

" The hon. Specially Elected Member, Colonel Bruce McKenzie, mentioned two points in connection with broadcasting. The first was that he had the impression that short-wave transmissions are expensive and that medium-wave transmissions should be introduced instead. The fact is, however, that to cover a wide area by medium-wave transmissions is very costly indeed. For example, a complete new station, with a small transmitter, for one programme only would cost £10,000, and to this sum should be added the cost of conveying the actual programme from the studio to the transmitter. I might draw his attention to the fact that this was covered in paragraphs 77 to 79 of the Sessional Paper.

The hon. Member mentioned the system in Rhodesia. Apart from the fact that conditions, terrain and requirements vary between the territories, I would like to tell him that before the White Paper was written, full details of the Rhodesian system were obtained, and indeed an officer from this Government visited Rhodesia for that very purpose.

The second point mentioned by the hon. Member was that much revenue is being lost because people are not taking out wireless licences. This point was also covered in the White Paper, and since it was written discussions have been held with the Postmaster-General's staff and with various other bodies with the aim of ensuring the maximum collection of licence fees. I am pleased to say that these discussions are making good progress and that the Government hopes for greatly increased licence collections by this time next year. In the meantime, I should like to urge hon. Members to encourage their constituents to take out the necessary licence.

Now, Sir, I turn to certain remarks made by the Member for Western Electoral Area which really concerned, to a large extent, the Constitution. He said amongst other things that it was really only welcomed by the Europeans, that everyone wanted a round table conference except the Europeans; he also said that the Specially Elected Members Seats were in the gift of the Europeans. Dealing with that point, I would like to point out to him that the actual numbers, if you include everyone in the Council,

are: 42 Europeans, 23 Africans, 13 Asians and six Arabs. If you add up the Africans, the Asians and the Arabs, they come to 42. If there are 42 Europeans and 42 other races, even presupposing that the Europeans are all going to vote racially—and personally I cannot imagine they would—they have not got a majority. Therefore, I cannot see how the hon. Member could argue that the gift of the Specially Elected seats is in the hands of the Europeans.

MR. SLADE: Some gift!

THE CHIEF SECRETARY (Mr. Coultis): Some gift. My hon. colleague reminds me: "Timeo Danaos et dona ferentes".

SIR CHARLES MARKHAM: That will fox HANSARD!

THE CHIEF SECRETARY (Mr. Coultis): I do feel, Sir, that such statements should not be made if they are not based on facts, and I would ask hon. Members, when they are making such statements, not to imply that indeed there is a majority of Europeans in this House.

Turning now to this vexed question of the Constitution, I do not want to dilate very much on it but I would just like to say this: the Lennox-Boyd Constitution has been in operation since April only. We have had it for—if my calculation is correct—roughly seven months. Most people, of all races, have taken out of this Constitution what they particularly wanted, and rejected the rest. Now, is this the sort of way in which to proceed if we are going to have political stability? In addition to that, I suggest that pistols have been held—certainly at the head of Government—and I do not see how the Government can act when pistols are being held at its head. Somebody questions that point, but, Sir, what government, I ask you, in any part of the world, is going to govern properly if, in fact, it is going to kow tow to every form of pressure, particularly pistol pressure, from any part of the community?

I want to say this: Government is willing at all times to initiate informal talks in any quarter. The Government will, however, always give greater weight to representations if they come as the result of the collaboration of the various racial groups in this Council. There, I think, is where the matter lies.

[The Chief Secretary]. —

Finally, Sir, I suppose it would be for me to add, in winding up a debate of this general nature, what is termed in colloquial circles, a little bit of flannel. There is, however, something upon which I feel quite deeply and which I would like to mention now. During the last three days, I have had various talks with visiting persons who came under the aegis of Mr. Smith of the International Co-operation Administration from the United States. They came here with a team of scientists, two of whom were British, because they had been invited to take part in their visit, and they came as a team to find out what sort of help they could give to countries such as Kenya. In the various talks that I had with them, I was particularly struck by the fact that the scientists said that they were quite amazed at what had been done in this country in medicine, in agriculture, in all scientific fields, and they have already travelled widely so that they are in a position to make comparison with other countries. They were all professional men, and I am certain they were not given to exaggeration, and yet all of them dinned into my head that we had here in Kenya a magnificent staff in all these fields, and that, by the use of extra effort would make all of these services almost ideal.

What I say to myself on such occasions is, why should that good work, which has been built up painfully, not by one person, but by a great number of people over a great many years, be thrown away? And I submit to you that it is in danger of being thrown away. It might, in fact, be utterly destroyed, and it seems to me that the danger of its being destroyed is because of the total inability of men to see another's point of view, and that is the note on which I would like to close. We have a great asset here in Kenya: for goodness' sake let us keep it and not spend our time wrangling with each other about it.

Mr. Speaker, I beg to support.

The question was put and carried

BILL

SECOND READING

The Control of Nets (Nyanza Province) Bill

Order for Second Reading read.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (MR. BLUNT).
Mr. Speaker, Sir, I beg to move that the Control of Nets (Nyanza Province) Bill be now read a Second Time.

I would like to preface my remarks on this Bill by pointing out that it is limited in scope and applies only to the Nyanza Province, and the intention is to apply it only to the Lake Victoria area of that Province. I would also like to make it quite clear that this Bill does not alter the present position in regard to fishing in the Lake. It is now illegal to use certain kinds and certain sizes of nets in the Kenya waters of Lake Victoria, and it has been illegal to use those nets since 1951. What it is hoped that this Bill will effect is to make it more difficult to fish by these illegal methods, and it should have the effect of preventing the very large number of prosecutions which have taken place in the past for illegal methods of fishing, and to which certain Members (when we discussed the question of fishing in the Lakes) referred.

I therefore hope that we shall not, in the course of discussing this Bill, reopen the whole discussion that we had about a year ago in this House on the subject of the control of fishing in the Lake.

In fact, this Bill puts into effect a promise that I made a year ago, particularly to the hon. Members for North Nyanza and South Nyanza, that control of the sale of illegal nets would be brought into effect. Both these hon. Members asked for this legislation and I believe it is perfectly reasonable. It is clearly unfair that the fisherman should be in a position where he has an illegal net offered to him, and yet if he uses it, he is prosecuted for an offence.

Now, Sir, if I may turn to the Bill itself, Clause 2 is a clause of definition, and I need not refer to any of them except perhaps to that of "subordinate officer" which says that, "... has the meaning assigned to that expression in the Wild Animals Protection Ordinance". That is to say, it consists of police, fishery and game and tribal police officers, below the rank of assistant inspectors.

Clause 3, Sir, is really the meat of the Bill, and it prohibits the possession of

[The Minister for Forest Development, Game and Fisheries]

Clause 9 deals with obstruction, and clause 10 provides for penalties for offences under the Ordinance. Here, again, Sir, I shall propose an amendment in the Committee stage to make it possible, but not mandatory, as it stands in the present clause, to confiscate any vessel or vehicle used in connexion with an offence.

I believe, Sir, that several penalties must be imposed to put a stop to the illegal methods that are being used on Lake Victoria, but I think that the penalty of confiscating the vessel or vehicle in all cases may well prove to be too great a penalty for the offence and I think that it would also act differentially between different people. You might have a similar offence, in the one case committed by a fisherman fishing from a canoe, and in another case, fishing from a powered vessel, the cost of which would be very considerable.

I trust that I have explained the Bill sufficiently, Sir, and I beg to move.

THE ASIAN MINISTER WITHOUT PORTFOLIO (MR. MADAN) seconded.

Question put and carried

MR. HASSAN: Sir, I rise to support this Bill, but I would like the Minister to give us assurances that there are people in Kisumu Province who have been stocking these nets for a considerable time at a colossal profit to themselves. Prohibition of these nets according to this Bill is only applicable to Kisumu Lake. Therefore, although possession of these nets for the purpose of sale to the fishermen in the lake is an offence, those nets may have to be sold by those who are stocking them to people who are fishing in places other than the Kenya side of the lake. It is a well-known fact that there is no prohibition for fishing on the Uganda and Tanganyika sides of the lake. Now that fishermen on the Kenya side are prohibited, I take it that our merchants who are stocking these nets could be easily permitted to sell them to Uganda and Tanganyika at competitive prices. If there is no sale among the Kenya people, I take it that there will be no restrictions for them to sell them to the fishermen coming from Uganda and Tanganyika until such time as the type of nets prohibited in the lake have been sold out.

Clause 4 requires that the holder of a permit to possess an illegal type of net shall produce it when required by an authorized officer.

Clause 5 gives the competent officer the powers of search and seizure on land and premises with a safeguard in the proviso that it shall only be exercised under the directions of a police officer of the rank of assistant inspector or higher, if that can possibly be arranged.

Clause 6 gives similar powers in respect of search of a vessel, and I have already given notice, Sir, that I shall move a slight amendment to clause 6, as also to clause 8, requiring that in both cases, the officer concerned shall produce his authority.

Clause 7 qualifies the powers under the previous clauses by requiring that any seizure must be reported to a magistrate without delay.

Clause 8 gives powers of arrest without warrant when this appears to be necessary because it is feared that otherwise, the offender may escape. And I shall move, Sir, as I have already said, an amendment to that clause also.

[Mr. Hassan]

This is one of the assurances I would like to have from the Minister. Of course, I have no intention of touching on the subject of prohibition which was thoroughly discussed in the past, but I would like to have his opinion on this. So far, when this prohibition has not been imposed in Uganda and Tanganyika, has not the Fisheries Department in this country found out whether they have suffered any disadvantages by the use of the nets which have been prohibited in Nyanza? If not, is the Government now in a position to reconsider the prohibition of this type of net on the Kenya side?

With these few points, Sir, I have pleasure in supporting.

MR. SLADE: Mr. Speaker, Sir, I feel in the absence of my hon. friend the Member for Nyanza Central I should say a few words on this Bill because on previous occasions I have supported him in his representations on this subject. I agree, Mr. Speaker, that this is not the occasion to review the representations to which my hon. friend for the Eastern Area has just referred concerning the degree of prohibition of the use of nets in the Kisumu side of the lake. That does not mean to say that at some more suitable time I shall not support my hon. friend for Nyanza when he is ready to raise the matter again.

All I want to say today, Sir, is by way of appreciation of the Minister having fulfilled his promise about prohibiting the sale of nets which in the hands of these fishermen prove to be illegal. It was a very definite complaint from the fishermen of Nyanza that there were many who bought these nets at detriment to themselves and this provision is necessary. At the same time, Sir, I sympathize with my hon. friend who asked for an assurance that the shopkeepers, who consequently find themselves under this disability will be able to dispose of their nets elsewhere.

I support the Bill.

MR. ZAFRUD DEEN: Mr. Speaker, I would like to support the views expressed by my hon. friend, Mr. Hassan, and a point which is raised in this, that in the Nyanza Province, particularly at Kisumu, for a long time merchants have had

stocks of nets, and we feel that to take away from these people their trade would not be fair. I suggest that if we introduce some system by which we hold the nets in control it would meet the point. For instance, Sir, if the traders were asked to keep a stock of the nets which they have, and if afterwards they had to give all the details when they sell the nets that would help.

In view of this, Sir, I would only ask the hon. Minister to give an assurance that those merchants in particular who have traded for many years with people in Uganda and Tanganyika, will be considered.

I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (MR. BUNTI): Mr. Speaker, Sir, the hon. Member for Eastern Area referred to the need for nets to be on sale for use in places other than the Lake. It was pointed out that there was no provision for the sale of these nets in Uganda and Tanganyika.

Well, Sir, I can give him the assurance that in so far as it will not take away from the effectiveness of what we are now proposing the Government will give an assurance that in any case is going to render the terms of this Bill useless, then quite clearly we cannot do so, but I am already having discussions with the hon. Member for Western Area, who raised this point a few days ago, and with those people in Nyanza who are concerned with carrying out the terms of this Bill and I can assure both the hon. Members that we shall do our best not to prohibit or make difficulties for the trade provided always that it does not leave a loophole in the provisions of this Ordinance for avoidance of its terms.

The hon. Member then went on to say that he was not going to raise the question of fishing in the Lake generally and proceeded to refer to it straight away. I am not going to follow him into that argument, Sir. I would merely say that the opinion of Government as to the requirements of fishing in our area of the Lake, the Kenya area of the Lake, are no different from what they were when we discussed the matter a year ago, but should any facts come to our notice which cause us to alter our minds we will review them carefully and consider,

[The Minister for Forest Development, Game and Fisheries] and if necessary alter the conditions. I gave that assurance during the previous discussion.

Then the hon. Member for Western Area referred particularly to certain merchants in Nyanza who have nets in stock and asks what are they going to do with them. He was referring particularly to wholesale merchants, and I am given to understand that there are only two such merchants, and we are considering whether it will be possible to allow those merchants to retain stocks for sale in Uganda and Tanganyika. But on present advice it seems to me that that would open up a loophole in this legislation and it could only be done under very restricted conditions, if at all; but I am perfectly prepared to examine under what conditions it can be done and if it can be done safely to say that it will be done.

I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

MOTION

EVICTON OF TENANTS—CONTROL

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to move that the Eviction of Tenants—Control (Mombasa) Ordinance, 1956, be extended to the 31st December, 1960.

Mr. Speaker, this Ordinance is due to expire on the 30th December of this year unless its life is extended by a resolution by this House as provided for in the proviso to section 9. The Motion now before the House seeks to keep the Ordinance alive up to the end of 1960. Hon. Members may be interested if I were to recapitulate that this Ordinance provides that no landlord of land within any scheduled area shall evict or take any action for the eviction of an owner or a tenant or any occupier of a house or part of a house, or raise the rent thereof, without first obtaining the consent of the Board set up under section 3 of the Ordinance. Hon. Members will also recall that this Ordinance was enacted to provide protection for tenants

of land in the scheduled areas owing to the shortage, the serious shortage of housing on the Island of Mombasa. The housing shortage and the overcrowding still continues and Government is satisfied that it is both necessary and desirable to continue the operation of this Ordinance until 1960.

Mr. Speaker, those hon. Members of this House who hail from the Coast sometimes show an uncanny perception into the future, and the hon. Member for Mombasa, when speaking in the debate in 1956 said: "I welcome this Bill which is entirely necessary and I am quite sure it will be quite necessary for the three years of its life. I believe it will be necessary for longer than that. The prophetic words of the hon. Member for Mombasa have come true, and Government is satisfied that the continuation of this Ordinance is necessary. I hope the hon. Member will be able to give his support to this Motion as he supported the Bill in 1956."

Mr. Speaker, I do not propose to detain the House any longer because at least on two previous occasions we have had a full debate on this subject. I would be glad to try and answer any questions which hon. Members may like to ask, Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

MR. SLADE: Mr. Speaker, there is one question that occurs to me on this Motion without any knowledge whatsoever of the conditions prevailing in Mombasa; that is whether by this kind of legislation in too strict a form one is tending to create and preserve a vicious circle. As the Minister has pointed out, the need to continue this legislation is because there is still a shortage of housing. My question is whether there will not continue to be a shortage of housing as long as there is legislation which makes it too unattractive to landlords to build houses. That is an aspect I think we have to bear in mind on this subject, Sir.

MR. TYSON: There is one point I would like to raise over this, whether it is desirable to extend this Ordinance so long ahead as December, 1960; whether it would not be better to make the

[Mr. Tyson] period shorter and then come back in the light of circumstances ruling at the time.]

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, I am not quite sure that I understand what the hon. the Specially Elected Member was getting at. If he was referring to the building of new houses which might be controlled under the Rent Restrictions Ordinance then I would say that that legislation does not apply to any new houses which are erected after 28th February, 1954. Such dwelling houses are free from control both under this legislation and under the Rent Restrictions Ordinance. The control does not in any event apply to dwelling-houses erected after a certain date which, as I have said, is February, 1954. But arising out of what the hon. Member has said is this point, that the continuation of this legislation does prohibit the building of new houses because, in a manner of speaking, the land and the scheduled areas are frozen inasmuch as it is quite hard for landlords to evict tenants owners and occupiers of houses on the scheduled lands. But that, as I have explained, Sir, has been done because of the acute housing shortage and overcrowding. Were the measures provided in this Ordinance to be relaxed the situation would become worse.

With regard to the point made by the hon. Nominated Member, Mr. Tyson, I would say the position has been carefully examined and that the extension which is being sought is only for two years. The hon. Nominated Member will remember that this Ordinance was first enacted in 1954; that legislation was replaced by the present Ordinance of 1956 for an agreed period of three years. We have already reduced the period by one year and I would like to assure the hon. Nominated Member that before 31st December, 1960, the position will be carefully examined again, and if it is found that it is not necessary to grant a further lease of life to this legislation it will not be done. Sir, I beg to move.

The question was put and carried.

MOTION

GUARANTEE—KENYA CULTURAL CENTRE
THE MINISTER FOR EDUCATION,
LABOUR AND LANDS (Mr. Mathieson):

Mr. Speaker, Sir, I beg to move that this Council notes that the Government intends to guarantee the repayment by the Kenya Cultural Centre, of a sum of £30,000 with interest thereon, which the Centre proposes to borrow from sources, on conditions and for a period approved by the Government, for the purpose of building extensions to its premises.

Sir, a notorious vandal in history is credited with the observation, "When I hear the word 'culture' I reach for my revolver." I am not suggesting in bringing this Motion before the House that we should adopt the other extreme of saying that when we hear the word "culture" we should reach for our cheque books. But I am suggesting that this is a worthy undertaking which deserves the modest measure of support from the Government which is proposed in this Motion.

I think it might help the House, Sir, if I were to traverse briefly the financial history of the Cultural Centre which leads up to the Government's conclusion that this Motion should be brought before the House.

As hon. Members know, the Kenya Cultural Centre was confirmed in its establishment by an Ordinance and at the time that Ordinance was enacted a considerable measure of support for the idea was expressed in this House. The original funds for the establishment of the Centre, designed to serve as a focal point for all cultural activities in Kenya, came in the form of a C.D. and W. grant of some £50,000. This was made as a free grant by the Secretary of State in 1949, and at that time it was strongly suggested by the Secretary of State that the Kenya Government should produce some contribution. At that time the contribution which was found was in the form of land. It was made available to the Centre on advantageous terms but the Kenya Government stated that they could not at that time conform to the suggestion made by the Secretary of State that a £1 for £1 grant in respect of this C.D. and W. assistance should be made by the Government. The Secretary of State was, however, informed that a public appeal for funds would be launched and that in the light of the amount of money thus voluntarily produced the Kenya Government would

The Minister for Education, Labour and Lands] consider whether they in their turn could find a matching contribution to that which had been voluntarily produced locally.

In the event, Sir, the appeal for funds raised only £6,000 and a grant of £5,000 was given by the Government to the Cultural Centre. This was then described as a preliminary grant. In June of 1952, in response to a request for financial assistance from the Cultural Centre amounting to £35,000, the Government undertook to seek the approval of this Council for a loan of up to £20,000 issued on a £1 for £1 basis, Sir, against funds which the Centre could itself raise. At that time, at the request of the Centre, which was not then fully ready to proceed with its building plans, that suggestion was not brought before this Council and subsequent events made it inappropriate to proceed for some time. Discussions on this basis were resumed in 1956 when it was stated that the immediate needs of the Centre would cost some £35,000, of which the Government was asked to provide £32,000 in the form of an interest-free loan. This sum was included in the Education Department's proposals in the Development Plan for 1957/1960, but only in the category of desirable projects, and it subsequently failed to be included in the final Plan. In 1957 the Governing Council again reopened the question and informed the Government that they hoped to be able to raise £8,000 by means of appeals and with the assistance of the Conservatoire of Music. This left £27,000 which they wished to obtain from the Government either as a grant or loan, but in the financial situation then prevailing, and the great difficulty in finding funds for equally worthy and in many cases perhaps more important projects, the Government was obliged to say that it could not provide this money either in the form of a grant or loan from Government funds. Undeterred, Mr. Speaker, by these setbacks and in fact the disappointment at the withdrawal from what might have been taken to be a fair measure of commitment on the part of the Government to assist, the Cultural Centre, Sir, went ahead and opened negotiations with private sources

to see whether they could raise a loan

for the purpose of completing their extensions. The Governing Council has now gone a long way in such negotiations and all that is required now to bring them to a successful conclusion is the agreement of the Government to stand at the back of the Cultural Centre in regard to meeting the charges on the loan and the repayment of the loan.

The Government is satisfied, Sir, that the rentals which the Cultural Centre will secure from its constituent bodies for the new accommodation thus to be provided will be adequate to support the charges and the repayment of the loan. It is proposed that the Government should grant assistance in the form which will be accepted by the Cultural Centre as a complete discharge of any undertakings which might have been given or implied in the past.

The Government is satisfied that this will make a substantial contribution to an important sector of our life in Kenya and I trust, Sir, that this Council will warmly support this small measure of guarantee towards providing a home for the muses in Nairobi.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

Mr. Tyson: Mr. Speaker, I have some questions I would like the Minister to answer.

First of all, Sir, where are the premises which the Minister refers to in this Motion as the Kenya Culture Centre?

Secondly, what are the extensions which it is envisaged are to be built by this additional money?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, the answer to the questions which have been put to me on this subject are as follows.

The existing premises of the Kenya Cultural Centre are in fact the National Theatre and the Culture Centre has a title to land on which the National Theatre is situated and the immediate vicinity.

The extensions proposed are extensions to the National Theatre which will consist of the provision of a new home for the Conservatoire of Music, offices for

[The Minister for Education, Labour and Lands] the various constituent societies of the Cultural Centre, committee rooms, and other facilities; and the Cultural Centre authorities have already assured us that those premises they propose to build will in fact be rented by their constituent members and will form a much more compact collection of such activities in a form very acceptable to the members. The question was put and carried.

ADJOURNMENT MOTION

ABSENCE OF THE MINISTER FOR FINANCE AND DEVELOPMENT

THE SPEAKER (Sir Ferdinand Cavenish-Bentick). That brings us to the end of the business on the Order Paper.

I understand that there is a Motion to be moved on the adjournment. I would therefore ask the adjournment be moved.

THE CHIEF SECRETARY (Mr. Cousins). Mr. Speaker, I beg to move that this Council do adjourn.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

GROUP CAPTAIN BRIGGS (Mr. Speaker). I asked for the adjournment of Council to enable me to express the deep concern which is felt by the European Elected Members and indeed by the income tax paying public on a matter of public importance.

Now, Sir, this concern arises from the absence from the Colony of the Minister for Finance at a particularly inopportune time and, I believe, for a very lengthy period. Now, I say that this is an inopportune time for the reason that the Income Tax (Management) Bill has been committed to a Select Committee of the Central Legislative Assembly and that Select Committee is now engaged in examining the implications of the Bill and hearing representations from members of the public and responsible and knowledgeable bodies in the East African territories. This has followed on a debate in this Council and representations from the public which has shown, I think, beyond any measure of doubt, that public opinion is strongly opposed to certain proposals contained in the Bill and particularly to the impli-

cations of the undistributed profits tax. This, Sir, is seen as a threat to the economic existence of Kenya and as an injustice into the bargain.

I have no intention of referring in detail to all the implications of the proposals. They have already been dealt with by my hon. friend the Member for Nairobi West in the course of the Budget debate, but it is clear to me that apart from the injustice and hardship which the acceptance of the Bill, as it stands, would inflict on the business and farming communities, already excessively taxed, it will have a disastrous effect on Kenya's economy which so much depends on the enterprise of the private companies engaged in those particular spheres of activity. I see it as a dagger pointed at the throat of all engaged in such enterprises.

This iniquitous tax is intended, so we are told, to supersede the equally iniquitous provisions of section 22. That in itself has caused many cases of hardship and in practice has prevented the building up by private companies of reasonable reserves which are now badly needed to tide them over the period of recession through which we are now passing. This proposal was intended to strike, so we are told, at the tax evader. But tax evaders, I do suggest, Sir, will find other ways of evasion. The people who are really going to be hit and really going to be affected are those who have already been hit by hard times and who are in the great majority of cases people who are conscious of their obligations to contribute their just quota to the Exchequer.

Now, Sir, I believe that retrospective legislation in relation to finance is always an evil thing. In this instance, I think it could have disastrous results. Unjust taxation will always cause deep resentment and it always encourages otherwise normally decent people to join the ranks of the evaders. For that reason alone, Sir, I do suggest that it is evil. Undistributed profits tax is in fact a form of collective punishment, intended, as I have said, to deal with the tax evader, but it will in fact strike at the ordinary decent businessman and farmer.

Now, Sir, I have only recently returned from London where I heard at first

[Group Capt. Briggs] had the reactions of some persons of unquestionable standing in the City of London, and also the general repercussions to this proposal which I believe is already having an effect on the flow of capital to this country. Now, this is not due solely to the undistributed profits tax proposal, but partly to the general attitude of the Kenya Government to income tax and taxation matters and due to apprehension as to what further shocks the future might hold. The other factor was, of course, I need hardly say, the political atmosphere created by the activities of the African racialists. Three specific cases were brought to my notice of three major concerns who have decided, so I am told, at least temporarily not to proceed with projects involving between them approximately £500,000.

Now, Sir, I have touched on these matters to show that there are reasons for concern at the absence of the Minister, who is believed to be the main architect of undistributed profits tax. This concern is based on the fact that the select committee, of which he is a member, is now engaged in examining the proposals and hearing recommendations. As long ago as last June, it was known in this House that a select committee would be appointed and that date was well in advance of the departure of the Minister for America. As I understand it, the facts are that on 10th October last, the Central Legislative Assembly appointed 14 members to the select committee, including the Minister for Finance of Kenya. They were to examine the implications and to hear representations concerning the Income Tax (Management) Bill. On 15th October, the Minister departed for a prolonged stay in America. On 25th October, ten days after his departure, the Acting Minister for Finance was appointed in his stead after the select committee, I would add, had already held its first meeting.

Sir, I understand that no verbatim record is maintained of the proceedings of the select committee which, in my opinion, makes it all the more desirable that the Minister should have been present himself to hear the representations made at first hand. Now, it may be suggested that he knows all the

arguments already, but the probability still remains that further information and facts will be brought forward. I do not know the exact circumstances attending the Minister's visit to America, but I feel and my colleagues feel that the timing was extremely unfortunate to say the least. I am well aware that the Minister for Finance leads an extremely hard life, and, indeed, any Minister for Finance leads a very arduous existence, and I would be the last to begrudge our Minister—or any other Minister for Finance—a period of relaxation. Indeed, I know that the Minister has not often enjoyed a period of relaxation during the period of his office. It may be that Government can present some overwhelming arguments to account for his absence at this particular time, and if so, this adjournment will provide them, of course, with an opportunity of doing so. However, in the absence of any reasonable explanation, I think there is ample justification to put forward the views I have expressed, and I would add that his absence at this particular time is not only not in the best interests of Kenya, but is, I believe, an affront to this House as well as to responsible sections of public opinion.

Either the proceedings of the select committee must be regarded as pure formality and there is no intention of paying heed to the recommendations made to the committee, or else it is engaged in a serious task. If so, I contend that regardless of any personal sacrifice the Minister for Finance should have been present to use his undoubted ability for the purpose of finding a reasonable solution to the problems facing that committee.

To conclude, I hope that Government accepts that the representations of an already overtaxed section of the public should receive serious attention, and that their opinion should not be treated as lightly as they appear to have been treated. Government's attitude suggests to me, Sir, the triumph of never mind over never matter.

MR. USHER: Mr. Speaker, Sir, I do not wish to curtail the time of the Government in replying, and I shall be very brief myself. I wish to supplement what my hon. friend has just said by giving two additional reasons for the moving of the Adjournment.

[Mr. Usher]

At the beginning of the new session, we have the general debate which has just concluded, and it is, I think, as important a debate as the debate on the Budget itself. Therefore, we regard it as of high importance that all Ministers of the Crown should be present in person.

The second point is that in this case it does put an undue strain on the officer who has to answer for the Minister for Finance, that is, the Secretary to the Treasury.

Now, the object of moving this Adjournment was certainly not to make any attack upon the Minister for Finance in his absence, and certainly not to call in question the ability of the Secretary to the Treasury, who has earned the liking and the respect of the House. We may, of course, perhaps be told that when the Minister for Finance speaks in this Chamber he does so as the mouthpiece of the Council of Ministers and is under collective responsibility. I doubt whether that is always so. Sir, because, of course, in the case of the Budget it cannot be so. And it cannot be so, I think, when the Minister for Finance is dealing with matters raised in a debate of this kind and, as is vulgarly said, speaking "off the cuff".

The matter of which we complain, Sir, in this case is aggravated by the frequent absences of the Minister for Finance during the present Council, absences which really have very much embarrassed the Opposition—and, of course, particularly my friend, the Member for Nairobi West—in its function of criticizing the ideas of the Government and initiating its own ideas.

The matters of which we complain are the subject of adverse comment from very responsible people outside this House, and we do not blame the Minister concerned; we merely suggest that Government should not have permitted an arrangement of this sort at this time. We do ask them, after making our protest, to give us some assurance that the like will not occur again.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I am much reassured by what the last speaker has said in respect of two matters, that, first of all,

this is not an attack on the Minister for Finance personally, and, secondly, that it bears no relation to the high regard which is felt for the Temporary Minister for Finance. I must admit that in listening to the Mover I thought both facts were so, and I was about to say that I deprecated the way in which this debate had been initiated.

GROUP CAPTAIN BRIGGS: On a point of explanation, Sir, the second speaker decided his remarks with me, and I entirely agree with them.

THE CHIEF SECRETARY (Mr. Coutts): Well, I was about to say that I am now reassured on these two points.

The hon. Mover said that this was an inopportune time for the Minister for Finance to go on leave. I would ask myself and all my colleagues when is an opportune time for any Minister to go on leave. I think that this is a very material point to this debate. I would say for myself and my colleagues that we are on the whole pretty hard-worked; we also have a great deal to do in connexion with what I would like to describe as the inevitable Kenya crisis. In my view, there is a Kenya crisis just about every week, of some kind or another, which affects either myself personally or the Ministers of the Government. If we were going to say that because a crisis has turned up, no Minister may go on leave, the plain fact of the matter is that no Minister would ever go on leave. Despite what has been said in the papers and so forth recently, my own feeling is that it is absolutely imperative that Ministers of this Government should get leave regularly. If they do not, then you are not going to be well served.

Now if you take this present case of the hon. Minister for Finance, he has to be in London in January, and I think all hon. Members will agree with me that if he does not go to London in January our own negotiations with Her Majesty's Government over money which we will desperately need for the coming year may well be prejudiced. In our view, it is absolutely necessary that he should be there in January and early February.

The moment he returns from that he is in the middle of the maelstrom of the beginning of the Budget. In April we have a pre-Budget Session and in

[The Chief Secretary]

May we have the Budget Session. Therefore, if you begin to work it out, I should like to ask hon. Members when he can go on leave. If he cannot go on leave now, what happens? He just will not go on leave.

The second point is that whatever hon. Members have said I do feel that there must be an inference that the Temporary Minister for Finance is incapable of conducting the Government's affairs in the select committee. That I reject absolutely. The Government has complete confidence in the Temporary Minister and I believe that the Temporary Minister can and will carry out his duties in that select committee in exactly the same devoted way as he does in this House. Therefore I feel that the Government has nothing to reproach itself with at the moment in allowing the Minister for Finance to go away, more particularly as he will be back after the select committee has reported.

Furthermore, I do feel that in a debate of this kind, it is somewhat unfortunate that we are virtually debating something which is *sub judice* of a select committee of another legislature, and I would take the Mover to task for that matter. There is very little I can add to this, Sir. . . .

GROUP CAPT. BRIGGS: There was a debate on the same matter yesterday.

THE CHIEF SECRETARY (Mr. Coutts): In that case, Sir, we should not have a debate today.

GROUP CAPT. BRIGGS: Not the same matter, but in connexion with the undistributed profits tax and other financial matters.

THE CHIEF SECRETARY (Mr. Coutts): The hon. gentleman said first of all the same matter, and now has said not the same matter.

I think, Sir, that I have very little to add to what I have to say. No time is opportune for a Minister to go on leave; this was the only time at which the Minister for Finance could go on what I believe to be a very well-earned leave, and we have complete confidence in the person who is doing his duty, and we consider that the Government's views will be well represented in the select committee.

There is one point, Sir, which I think I have left out: that was the point made by the Mover: that the Government was possibly not taking this matter seriously. I do once again wish to assure the hon. Member that from the very start, the Government has given this matter its whole attention.

The question was put and carried.

ADJOURNMENT

MR. SPEAKER (Sir Ferdinand Cavendish-Bentinck): I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 14th November.

The House rose at two minutes past four o'clock.

Friday, 14th November, 1958

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

STATEMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Hon. Members, I have to report that I have received a letter from His Excellency, the Governor, acknowledging receipt of the Report of the Sessional Committee of Legislative Council on the subject of the revision of Standing Orders relating to Private Bills, which report was adopted by this Council on 7th November, 1958, and informing me that His Excellency approves the amendments set out in Appendix A of the Report.

PAPER LAID

The following Paper was laid on the Table.

The Pensions (Amendment) Regulations, 1958.

BY THE CHIEF SECRETARY (Mr. Coutts) on behalf of the Temporary Minister (for Finance and Development)

NOTICES OF MOTIONS

PENSIONS AMENDMENT REGULATIONS

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, on behalf of the Temporary Minister for Finance and Development, I beg to give notice of the following Motion:—

THAT this Council approves regulations 1 to 5 of the draft Pensions (Amendment) Regulations, 1958, and their being made retrospective to 1st January, 1954.

LAND OCCUPATION AND OWNERSHIP

MR. NAZARETH: Mr. Speaker, Sir, I beg to give notice of the following Motion to be moved as a group Motion:—

THAT this Council considers the policy of Government in regard to the removal of racial restrictions on ownership and occupation of land in townships and municipalities to be quite inadequate and against the public interest, and urges Government with all

speed to introduce legislation to render, null or unenforceable, all restrictions, whether by private covenant or otherwise, which limit ownership or occupation of land in townships and municipalities (including the City of Nairobi) to a particular race, provided that, if the African community so desires, the *status quo* in regard to land reserved for African use and occupation may be maintained for such period and to such extent as may be necessary or desirable to protect Africans against economically more advanced sections of the population.

POLITICAL RELATIONSHIP DISCUSSIONS

MR. COOKE: Sir, I beg to give notice of the following Motion:—

THAT this Council deplores the strained political relations which exist amongst some groups of this Council and strongly urges that all should enter into informed talks and discussions with a view to the restoration of harmony and mutual confidence without which nothing constructive on any specific subject may be achieved.

MOTION

SESSIONAL COMMITTEE ENQUIRY

SIR CHARLES MARKHAM: Mr. Speaker, Sir, in accordance with Standing Order No. 32, paragraph (j), I beg to move the following Motion without notice:—

THAT the Sessional Committee be required to enquire into and report to Council on the report appearing in *Uhuru*, dated 11th November, 1958, on the suspension of certain Members of this Council; and that for this purpose, the Sessional Committee is hereby authorized in pursuance of section 9 of the Legislative Council (Powers and Privileges) Ordinance, 1952, to order persons to attend before it and produce documents as provided in the said section.

Mr. Speaker, I apologize to you, Sir, and to the Council for raising this at such short notice, but I feel, Sir, in explanation of this Motion that I should draw the Council's attention to an article that appeared in *Uhuru* which, Sir, I lay on the Table now. If I may, Sir, quote one extract from that paper which appears to me to be a grave reflection

[Sir Charles Markham] against this particular Legislative Council. And, Sir, I read out a paragraph now:—

"Some people ask why the African Members went back to Legislative Council the next day, and suffered the humiliation of being suspended. The answer is simple: when walking out, they exercised a right which is ours, and similarly, their seats in Legislative Council are a right and not a privilege. The suspension of our Elected Members is a challenge to the Africans' right to be in that Legislative Council. The settlers have done it to demonstrate their so-called power and domination. Here is an intolerable humiliation suffered because of being a subject people. To say that the Members planned to show disrespect to the Queen is nonsense. Those who say this plan is a political blackmail, to influence public opinion in Britain on a sentimental issue. The Governor must bear full blame and not bring the Queen in it."

I think, Sir, that is quite enough from this document. I wish to say no more, Sir, but I beg to move.

MR. SLADF: Mr. Speaker, I beg to second this Motion. I do not think I need say anything further than what the hon. Mover has said, beyond pointing out that that article clearly imputes all kinds of improper motives to you, Mr. Speaker, in the directions you gave to this Council on this subject and to those Members of the Council who resolved that these African Elected Members be suspended.

I beg to second, Sir.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Control of Nets (Nyanza Province) Bill

Clauses 2, 3, 4 and 5 agreed to.

Clause 6

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt):

Mr. Chairman, I beg to move that subsection (1) of clause 6 be amended by (a) leaving out the words "he may without warrant stop, detain and search"; and (b) by inserting in place thereof the words "he may without warrant stop, and on production of his authority may similarly detain and search".

Question proposed.

Question that the words to be left out be left out put and carried.

Question that the words to be inserted in place thereof be inserted put and carried.

Clause 6 as amended agreed to.

Clause 7 agreed to.

Clause 8

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Chairman, I beg to move that subsection (1) of clause 8 be amended by (a) leaving out the words "may demand his name and address"; and (b) inserting in place thereof the words "may, on production of his authority, require such person to give his name and address".

Question proposed.

Question that the words proposed to be left out be left out put and carried.

Question that the words proposed to be inserted be inserted put and carried.

Clause 8 as amended agreed to.

Clause 9 agreed to.

Clause 10

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Chairman, I beg to move that subsection (2) of clause 10 be amended by (a) leaving out the words "the court shall whether or not any penalty is awarded"; and (b) inserting in place thereof the words "the court may, in addition to any penalty awarded".

Question proposed.

Question that the words proposed to be left out be left out put and carried.

Question that the words proposed to be inserted be inserted put and carried.

Clause 10 as amended agreed to.

Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Haycock): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Control of Nets (Nyanza Province) Bill.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

The Control of Nets (Nyanza Province) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Control of Nets (Nyanza Province) Bill and has approved the same with amendments.

Report ordered to be considered tomorrow.

MOTION

TRANSPORT OF OIL BY ROAD

MR. SPEAKER, I beg to move, Mr. Speaker, that this Council recognizes the importance of allowing a reasonable proportion of the Colony's oil requirements to be transported from Mombasa to Nairobi by road both in the public interest and in fairness to existing contractors.

Sir, this is by way of pouring oil on troubled waters.

It certainly raises broad issues and there is no doubt that in the process of debate there will have to be some reference to those broad issues, but I have deliberately restricted the actual Motion to this specific case of transport of oil for three reasons. The first is that some of the points that I have to make are only applicable to the limited class of what you might call essential supplies. The second reason is that this concerns a particular immediate case of hardship and therefore has an element of urgency which would not arise under a more general issue. My third reason is that this particular question of transport of oil by road from the coast to Nairobi has recently been

the subject of decisions by the Transport Licensing Board and of the Appeals Tribunal which have pointed to the difficulties in which we find ourselves at present.

Now, Sir, the present law on this subject is contained in the Transport Licensing Board Ordinance which provides that licences for road transport are only granted from year to year, renewable on annual application. That is a matter of some significance to which I shall probably refer again—the fact that there is so little security of tenure of the Transport Licences.

The only other matter to which I want to refer in the Ordinance itself is section 11, sub-section (2) which lays down the considerations that must guide the Transport Licensing Board in deciding whether or not to grant any particular licence. That sub-section says: "The licensing authority in exercising its discretion shall have regard primarily to the public interest—... primarily to the public interest—... including the interest or interests of people requiring, as well as those of persons providing, facilities for transport".

Now, Sir, every question of the licensing of long-distance road transport, where the course of the railway line runs, naturally raises the question of possible competition with the railway; and in this matter of public interest clearly any licensing authority, and we in this Council likewise, are bound to have regard to the position of the East African Railways. We know that the railways have been run on a definite policy of adjusted freights, whereby farm produce and certain other things have been carried at uneconomic rates in order to help the development of the country. Because of that policy, of course, it is necessary for the railways to have certain other higher rates on other articles that they transport, in order to recover what they lose on farm produce alone. For that purpose, the railway certainly needs a measure of protection, against road competitors taking away from them all of what they call the cream and leaving them with this uneconomic farm produce. That is clear enough, Sir, and that has been recognized as a general policy right up until today. Whether it justifies the railway's having a complete monopoly

[Mr. Slade] of any particular kind of transport is another question, with which I propose to deal a little later.

As far as this case is concerned, I think I am right in saying that in fact the railway did have a monopoly of oil transport until 1955.

Now, Sir, coming to the history of road transport of oil from the coast to Nairobi, I start in 1955 with a very serious position that arose when the railway found that their tankers were not sufficient to bring to Nairobi all the oil that was required up-country. The demand was obviously increasing rapidly, and the railway could not cope. The position was so serious that, according to my information, in that year the oil companies were contemplating the rationing of oil: I am even told that at one stage they only had at Nairobi 12 hours' reserve supplies. The question I was going to pose there was: where would farmers, among others, be if those reserves at any time were to fail completely, even for a few days?

However that may be, Sir, in 1955, in the light of this situation, certain road transporters rallied round and produced the necessary transport to bring up all requirements of the oil companies from the coast to Nairobi. That involved the construction of special tanker lorries and trailers, at a capital cost of no less than £7,500 for every unit of lorry and trailer—a very considerable outlay. I understand that then 45 licences were granted to different road transporters for this particular purpose, and that was presumably done, in the words of section 11 (2) of the Ordinance, "in the public interest". It was considered to be in the public interest to grant these 45 licences to these road transporters. I ask hon. Members to imagine for a moment what total amount of capital might have been involved in those 45 licences and the necessary conversion of lorries and trailers for this service.

I know it is alleged that at that very point these 45 licensees were warned that they would only be needed for a very short period, and that the railway would soon recover its position by producing further tankers in its rolling stock and would then want to resume the whole of the oil transport. According to my in-

formation, no such warning was issued until these lorries were actually on the road and operating. True enough, such warnings were issued later, quite frequently, but the capital outlay had been incurred. That is my information.

Then late in 1955 the railway did produce, or start to produce, the requisite tankers; and from 1955 almost until today there has been a struggle between the railway on the one hand and these road transporters on the other hand as to whether or not their licences should be renewed. That struggle culminated this year, only just over a month ago. In September, the Licensing Board renewed some of these licences that were still in operation, doubtless acting in what they believed to be the public interest. The railway appealed to the Appeal Tribunal which is established under the Ordinance; the Appeal Tribunal reversed the decision of the Licensing Board, likewise doubtless believing that they were acting in the public interest; that it was not in the public interest that these licences should be renewed.

Meanwhile, Sir, according to my information, from 1955 to 1958 the amount of petrol carried up from the coast had increased threefold, three times as much in 1958 as in 1955. At the point when the Transport Licensing Board renewed certain licences in September, there were only 22 licences out of the 45 originally granted still in operation—22 road transport licences for oil from Mombasa to Nairobi.

That being the picture, Sir, and these 22 remaining licensees now being put out of business, several issues arise. The first one—the biggest perhaps of all—is this question of responsibility for deciding what is or is not in the public interest, when it comes to the matter of transport licensing. Now, Sir, I do not, of course, blame either the Licensing Board or the Appeal Tribunal at all for the decisions that they conscientiously made in this matter. But the fact remains that they had completely conflicting views as to what was in the public interest. What I wish to put to this Council, Mr. Speaker, is that it is utterly wrong to place on boards and appeal tribunals the responsibility of deciding important matters of public policy. It is utterly unfair to them to do so. It is the responsibility of Government or of this Council

[Mr. Slade] — to decide matters of public policy and to make declarations on matters of public policy, whereby licensing boards can be guided in the particular application of that policy.

I have met, Sir, precedents for just that line with regard to quasi-official boards of this kind in various other cases. I am particularly familiar with one, not in this Colony but in Tanganyika, where from time to time struggles taken place over the grant of licences for flour mills. There have been many applications for mills to be constructed in Dar es Salaam and elsewhere, to which objection has been made; they have been contested before the Milling Board, and there have been appeals to the Appeal Tribunal and so on. But in every one of those, there has always been express regard by both Board and Tribunal to definite statements of policy by the Government of Tanganyika for the planning for the wheat industry, and for the production of flour and whether it is to be imported from abroad or whether it is better to rely on local flour, and so on. The Board and the Tribunal has always had some clear statement of policy from the Government by which to be guided, even if that policy has been varied from time to time. So I suggest, Mr. Speaker. It should be in this case.

We, in this Council, should take the responsibility of deciding what is in the public interest, and that is one of the purposes of this Motion today.

The next issue, Sir, is this very vital one of making sure of our essential supplies. That brings me back to the express direction in section 11 (2) of the Ordinance, which requires the licensing authority to have regard to public interest, including the interest or interests of people requiring facilities for transport, to which category, in this case, belong the oil companies.

Now, we have had our warning in 1955. We cannot, I suggest, Mr. Speaker, in the case of oil, afford to risk any repetition of that state of affairs. We must make sure that all the oil that is needed by the oil companies in Nairobi, to provide adequate reserves for requirements in the Colony, is absolutely guaranteed. It is quite clear from what happened in 1955 that if you leave it

to the railway alone, however willing, they cannot absolutely guarantee it, because they have only got one strand. They have only got one set of rolling stock. With a major breakdown on the railway line, or with a sudden increase in the need for oil—which could arise very easily, either in the case of war or emergency or in the case of some large expansion of our activities in this country, the production of increased military forces, or something of that kind, even if only temporarily—obviously the railway could not cope immediately. You would have to call on road transporters again, but in present conditions I very much question whether any such road transporters would again be forthcoming.

Then, Sir, it does mean that there must be some guarantee of a standby transport service for this essential commodity.

The third issue is one which is always applicable to any protected industry or activity—the desirability of some measure of competition, just as much as will keep the protected concern on its toes, as will force it to streamline its organization and its expenditure. No one in the world is as efficient without competition as he is with some measure of competition.

The fourth issue is the obvious one, Sir, of basic fairness to these existing road transporters, who came to our rescue in 1955 and are now thrown over because the railway can do without them. It is, in my submission, Sir, utterly unfair at this stage to say goodbye to them completely, and it is a very bad precedent for the future, and a very poor encouragement to any others in future whom we want to help us in similar circumstances.

Even if these road transporters had been warned in 1955, at the time when they first embarked on the acquisition of the necessary tanker lorries, that they would be off the road in three years' time, or even if one gave a similar warning to anyone who was being invited to help us out again in a crisis, you are obviously asking somebody to undertake something quite uneconomic because you cannot embark on a new venture which involves goodwill and involves the development of experience—you cannot embark on that on the footing that it is a wasting asset, particularly a wasting

[Mr. Slade] — asset of only three or four years' duration. It may be all very well to embark on a gold mine which has the certainty of a 50-year reef on which to work, before it works itself out, or on a forest concession which has the same certainty, but to embark on a business undertaking deliberately as a wasting asset is, I suggest, Sir, an impossible proposition, and you will not get people to do it who are going to be at all competent when they undertake it.

Then, Sir, the last of these issues—by no means the least important, of course—is this question of the protection of the railway. Now, Sir, I have nothing against the railway at all. In fact, along with everybody else, I appreciate its immense importance to this country. Furthermore, from a personal angle, I had the privilege some 25 years ago to be among the Railway Players and treading the Boards with me were men who are now at the head of this same Administration, and I know are administering very well. But Sir, the question is: does this necessary protection of the railways inevitably involve a monopoly? I say no, certainly not in every field. It is not only this question of the value of the measure of competition, there are these other issues to which I have already referred, and I do suggest that the railway could be adequately protected by a quota of certain forms of transport being allowed by road, particularly those forms for which, as I said, we need a guarantee as a standby service.

The railway does raise—and I do not blame it for playing all the cards it has—the railway raises the bogey of farm produce, and it frightens me and my farmer friends very much by this threat that, if you allow a single oil tanker on the road, up will go the charges by rail for your farm produce. It is a moot question whether that bogey is not rather overplayed. Come to think of it, even with these 22 licensees on the road, the railway are obviously carrying a great deal more oil at its lucrative rates, than they were carrying in 1955. Is that justification for putting up farm produce rates? It must be a matter of degree. If you allow free competition in any of these more lucrative lines, then indeed the railway may be forced to put up rates

on farm produce, but I cannot believe that a limited measure of competition by road transport will necessarily have that effect.

So, Sir, the solution that I am proposing is not that there should be unlimited competition between road and rail, in this matter anyhow. Possibly there should be no competition at all with the railway in respect of some items on transport, but here, for the reasons I have given, Sir, I do suggest that either the railway should be prepared to buy out these existing transporters and run its own road transport of oil as a standby, at the same time giving these transporters a reasonable compensation for being put out of business, or there should be a quota for these road transporters, a reasonable quota, for a reasonably long term, and that incidentally there should be greater security by actual licence through an amendment of the law. But there is need today, in the light of what I have described in this particular case for an immediate declaration of what is in the public interest, in this case anyhow. I beg to move, Sir.

SUFRU MAHFOOD MACKAYI: I rise to second the Motion. The case for the road transporters could not have it better advocate than the hon. Mover of this Motion before the House, and I should like to congratulate him most sincerely for putting up such a strong case for the hauliers. It cannot be argued, Sir, that these hauliers have not rendered the economy of this country a great service.

The railways, due to lack of foresight, were at a certain time unable to deliver some of the petroleum products to Nairobi from Mombasa, and the oil companies became stranded. They were forced, therefore, to look for alternative means of transporting their requirements and it is then that the road hauliers came in. By buying suitable tankers these hauliers had to invest considerable sums in capital expenditure. Surely, Sir, it would be extremely wrong and unfair for anybody, now that the railways have been able to put their house in order, to tell these people, "All right, now the railways can do the job, so you can pack up and go. We do not mind even if you go bankrupt. We do not care about your business. We have no intention of protecting your business".

[Sheikh Mahfood]

No, Sir, that would be greatly unfair. This would be very frightening to people who have confidence in the future of this country by investing a lot of capital. Besides, what guarantee would the oil companies and the general public of Kenya have if the same situation could arise and they found themselves stranded again? The railways have lost nothing in the transporting of petroleum. They, in fact, have gained by taking over transportation between Nairobi, Nyeri, Nanyuki, Tororo, Soroti in Uganda and other places. Sir, also they are now transporting to Embakasi airport all the aviation spirit, which has been doubled since the new airport was opened.

The business of aviation spirit before the opening of the new airport was done by road transporters. Now, Sir, they have been deprived of it. There must be an alternative means of transport. It is extremely dangerous, Sir, to have to rely on one means of transport for one of the most essential materials in Kenya.

Mr. Speaker, Sir, let us leave alone all the other considerations; the strategy of the country by itself would not allow us to depend entirely on the railways for our oil requirements without other means of transport. Mr. Speaker, Sir, I beg to support the Motion.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, first I should like to say that I personally am very grateful to the hon. Specially Elected Member for bringing this Motion, for two reasons; first because it enables this House to debate a specific incident, and secondly, because it has, with your indulgence, enabled us to spread the debate over much wider issues.

Sir, before I deal with the wider issue I would like to deal with the present position—I underline the word “present”—in regard to the case to which the hon. Mover referred. I have been advised that the Appeal Transport Licensing Board and the present Ordinance quasi judicial functions, and that the decisions of the Appeal Tribunal shall be final and conclusive, subject only to review by the Supreme Court in exercise of its prerogative powers, that neither the Government nor the Governor nor a Minister may advise or direct those bodies in the exercise of

their functions and that it would be improper to do so.

Now, Sir, section 7 of the Ordinance reads as follows, and my hon. friend quoted it, but I think it is necessary in the light of the advice that I have been given to quote it again: “The Licensing Authority shall have full power in its discretion either to grant or refuse any application for any licence, or to grant licences subject to special conditions as it may see fit to impose, and in exercising its discretion the Licensing Authority shall have regard primarily to the public interest, including the interests of persons requiring as well as those using.”

Now I have been further advised—and this point was put again because it is of vital importance in regard to the case under discussion that the principal Ordinance takes precedence over any regulations that can be made under it, and it is not therefore possible to prescribe by regulation anything that would fetter the Board’s discretion as conferred in section 7 of the principal Ordinance. In other words, the Government under the Ordinance has not got the power to fetter that discretion my hon. friend referred to.

Now therefore under the present Ordinance it is not possible for the Government to intervene in the way the hon. Member advises the Government to intervene in the Motion before the House. Now, Sir, having said that, I want to refer very briefly to a matter that may well be referred to later in the debate although I hope it will not be referred to, and it is this. The Transport Licensing Board, in considering these applications for licences, acted in good faith, they acted in what they believed to be the public interest and, to my knowledge and my belief, they considered all aspects of the public interest as it appeared to them in their discretion as enshrined in the Ordinance. Further, the Appeal Tribunal, in considering the appeal from the objectors also acted in good faith. They also considered what was the public interest in their view and took a different view. Sir, my hon. and learned friend opposite—in fact my many hon. and learned friends opposite—are far better qualified than I to understand that there is nothing unusual, there is nothing improper, there is nothing that could

[The Minister for Commerce and Industry]

influence a government that believes in the rule of law to intervene in an Appeal Tribunal overruling a tribunal of the first instance. That Sir, happens every day and, Sir, it is not grounds for Government to intervene in an individual case. I do not believe that any of my hon. friends would push that argument too far. However, the hon. Specially Elected Member has raised important points outside the ambit of the legal position upon which I have been advised.

Sir, I would like, before coming to these points, to try and clear two or three matters of fact that are not matters of opinion. The first is this, that these operators, those who are losing their licences under the decision of the Appeal Tribunal at the present time, received warnings that the licences were for limited periods. I would not contradict my hon. friend when he said that they did not necessarily receive the warnings simultaneously under the issue of the licences, although my hon. friend the Nominated Member, with expert knowledge of these matters, may deal with that point later. I would not say that they received warnings simultaneously with the issue of the original licences, but to my knowledge, if they did not do that (my hon. friend will be able to deal with it) they received them very soon afterwards.

There is a further point of fact which is very relevant to a point raised by the hon. Specially Elected Member, particularly when he spoke of compensation. It is usual to write down lorries, particularly on the Mombasa Road (with no criticism of my hon. friend the Minister for Works) in a comparatively short time, and I personally would have thought that if lorries had been beating up and down that road in the way I know these petrol lorries have done, their value would not have been very great at the end of three and a half years.

There is a further point, which is the point of goodwill, a valid point, a very real point raised by my hon. friend, but in view of the circumstances when these operations started I doubt whether it was very necessary to build up goodwill, to get loads of petrol and oil products if

my hon. friend is right—that the railway were only too glad at that time to have their services. That, I feel, is a point the hon. Member was absolutely right to make.

Now, Sir, I would like to mention a further point because, as I say, on the issue of the case as raised by the hon. Specially Elected Member, there is great value in debate in this House. I personally, as long ago as last June, attempted, by bringing the transporters and the Railway Administration together, to enable them to create an atmosphere in which some agreement on a voluntary basis—not on a legal basis—could have been reached. Now, Sir, unfortunately, that failed. I am not blaming either side. I merely mention the fact that the second point my hon. friend makes is that under certain circumstances the value of strategic reserves of transport is not one that a responsible government could completely ignore. But, Sir, I would put it to my hon. friend that there are many ways of achieving that apart from having licensees running parallel with the main line of the country. I would have thought and I had hoped that it would be possible through discussion round the table to work out a means by which the lorries could be employed and the railway could make use of its very big and necessary investment in tanker wagons without a serious direct conflict of interests. Now, Sir, I am not suggesting that there is not goodwill on either side. Unfortunately, an arrangement did not result but, nevertheless, there is a very strong argument advanced by the railway, and one that I am bound to support, when they point out that a very large capital investment has been made by them so that they will not be accused of the lack of foresight—that, I think a little unjustly, my hon. friend referred to a few moments ago. The railway are quite entitled to say, and we are quite entitled to say as taxpayers, that this very large long-term investment in railway wagons in the terms of writing down a life of 15 to 20 years, as opposed to a life of three to four years of oil transport lorries is significant—I know what I am talking about now because once I was in the oil business and that they have got a right to have a degree of protection, and we as taxpayers have a right to see that they get it.

[The Minister for Commerce and Industry]

Sir, I could go on at great length about the points raised in connexion with this particular case. I do not know whether to go into further detail would be altogether proper, whether it would be welcome to the House, but just as the hon. Mover drew certain general conclusions from the evidence in this particular case, I propose, if I may, to refer to one or two more general points. It is difficult to do so within the terms of the Motion but, Sir, with your indulgence, in view of the fact that general points have been raised, I feel it is my duty to put forward the Government's position.

First of all my hon. friend spoke about a quota for various forms of transport, in other words, specific directions that in the public interest the tribunal would take that sort of directive into account. I am advised, Sir, that it is impossible under the present Ordinance. He made a further point when he said that competition is a good thing. Of course it is a good thing, and I hope my hon. friend will have an opportunity later, in a way I shall attempt to outline, to put that point of view.

There is the question of basic rights and here I would quote from the speech of the hon. Member himself. I remember on an occasion in this House when, with great sincerity, and, as far as I was concerned, with complete conviction, he made the point that we must have the rule of law, not the rule of individuals telling people who are sitting interpreting the law how they should interpret it. And, if under those circumstances there is at times unfairness there is a lot more unfairness under any other form of regime. Now, Sir, as a Minister, as one responsible to this House, I, and I believe most of my colleagues on either side of this House, would be most reluctant to intervene with directions to a particular judicial tribunal composed of most distinguished members, many of them learned in the law, to tell them how they are to judge particular applications (I think I am quoting my hon. friend correctly) of a policy with reference to individual cases.

I want to touch, before I sit down, on one other point which I do not think

my hon. friend gave sufficient weight to, and it is this. The basis of the railways operations, and they have under the Order of Council an obligation to operate as a commercial undertaking, is the differential tariff. Now, Sir, many members get impatient when the words "differential tariff" are mentioned. But in fact what does it mean in this context? What it means is this. There are certain heavy goods, certain freight, that is so bulky, so intractable to handle, so difficult to transport in quantity, that only the railway can in fact handle it at the present time. There are other freights that anybody would be glad to handle; they are clean freights; they are not difficult to handle, they are not intractable, they are valuable in themselves and therefore can afford to pay high rates. Now, Sir, the hon. Member made this point, but I do not think he gave it sufficient emphasis. What in fact does it mean if the railways are given complete freedom to compete and no protection? It means this—that the railway would take a valuable commodity like cotton piece-goods or whisky or something like that, and could lower their rates to such a level that they could put road transporters out of business completely, but how would they recoup? They would put up, if they had freedom to compete on that basis, the freight charges on such items as the cotton crop from Uganda, export maize, wheat and those basic commodities without which this country would not have any business at all because they are export crops. Now, that is the issue and I do not want to press it too far in relation to the particular case the hon. Member raised. I hope when he comes back at me in the way that he is so entitled to do, he will bear in mind that I must make this general point without pressing it too far in relation to this individual case.

Now, Sir, I am sure that different points of view will be expressed in this debate. The Transport Licensing Ordinance is in my view and the Government's view out of date. It is effective in certain respects but it is necessary, without possibly going as far as the hon. Member who moved this Motion would wish me to go, that the definition of the Ordinance in the public interest be looked at

[The Minister for Commerce and Industry]

again. It is also necessary that representations made on matters quite different than the one raised today in connexion with road and rail competition—that other items raised in connexion with the Ordinance be considered, and, Sir, because I feel that the Motion moved by my hon. friend today has raised matters of great importance quite apart from the case upon which those matters have been raised, I feel the proper course is to appoint a committee, a small committee, a working party, and to ask them to examine the Transport Licensing Ordinance as speedily as possible, to listen to the different views that will be expressed on this matter, and to make recommendations to me for the amendment of that Ordinance as they think necessary. I feel that where there are strong feelings, as I know there are in this matter, where there are different points of view, where there is a potential clash of interest, then the course I suggest is the right one.

Sir, in saying this, it is clear that the Government cannot accept the Motion, but in rejecting, I am not doing so in any mean or carping spirit. I am doing so in the light of legal advice that I have received, referring to this specific case under reference. On the larger issue, I am meeting my hon. friend much more than half way, and although it may be improper to say so, I can imagine no more valuable member of the committee that I envisage than the hon. gentleman himself.

AIR COMMODORE HOWARD-WILLIAMS: Mr. Speaker, Sir, the Specially Elected Member who proposed this Motion has most ably presented his arguments. I am sorry, but I find myself completely unswayed by the oratory of my friend, the hon. Minister for Commerce and Industry, and I am unable to accept any of his arguments. I am interested in this solely on one issue which I think should decide it: On the strategic plane, were the railroad to be put out of commission and kept out, it would lead to the police and the military and the farming community being hamstrung. Aircraft would have to be diverted, and it would take some time to organize a system which would compensate it. We heard tell the other day

(that owing to the rains, petrol lorries were delayed and they were down to 12 hours' supply. We have heard tell today that we were down, during the period under review, 1955, I believe it was, we were down to 12 hours' supply also, which does show what can happen.

Therefore, Sir, the only point as I see it, is, can the railroad be put out of action, and kept out of action, or can it not? If so, there is a case for the duplication of our life-line. It is not obvious; it is imperative. Now, I say, rightly or wrongly, that one man, of the calibre, shall we say, of T. E. Laurence, with two or three helpers could, in the limit, keep the railroad out of action for several months and I am quite prepared, if required to do so, to tell the War Council exactly how it can be done. There are so many bridges, there are so many culverts, there are so many Communists. I say, again, we must duplicate our life-line. This does not mean any vital inroad into the railways at all. Indeed, I hold the view that it should apply only to oil, and then only to retain a nucleus of a fleet of oil-tankers so that we can come back on them. We must look after the interests of the railroad otherwise, whose arguments are sound, save in this regard. The House would at least agree that the ever-increasing number of the Army and the Royal Air Force coming here, the new Transport Command, and so on, may make some such provision highly desirable, to say the least of it, if we are to avoid a repetition of 1955. May I therefore beg, Sir, that this issue be discussed by the War Council where it belongs? I have already, in my maiden speech, mentioned the vital import to this Colony of political stability: I here argue the issue of security.

I beg to support the Motion.

LT.-COL. MCKENZIE: Mr. Speaker, Sir, I had earlier on intended to support this Motion, but after hearing what the Minister had to say, I hope the Mover of the Motion will be satisfied and may withdraw it when he comes to reply.

Sir, there are one or two points that I would like to take this opportunity of raising which arose mainly out of the Minister's reply. It is to give a further example, Sir, of why I think it imperative that the present Ordinance is looked at by a working party to report back as

[LL-Col. McKenna] soon as possible to the Minister. We have had, Sir, in the agricultural industry a breakdown in the pig industry. Part of this breakdown—and I would like to emphasize "part" of it, Sir—was caused by bad rail refrigeration on the railways in getting our export produce to Mombasa. Now, Sir, the private contractors who were prepared to go into the refrigeration business and who have been operating to a large extent, and very successfully, with our export stuff going across railway lines into Northern Rhodesia were quite willing to do the charge of refrigeration stuff to the coast on condition, Sir, that they could get a fairly lengthy licence such as operates in the United Kingdom, where an "A" licence operates for five years.

These contractors, Sir, would have had to put out more money than the petroleum people would have but were only prepared to do it on condition that they could be given security of their licence. Now, under the present Ordinance, this could not be given and we, Sir, as producers of pig food, pig meat, are the sufferers, and I myself, Sir, think the railway is being very petty over this because, as the Minister mentioned, there was no reason at all why the railway and private contractors could not have got around a table and discussed this and come to an agreement whereby the contractors could have had three or four years' grace under a gentleman's agreement.

Now, Sir, I do understand that there is a document—one gathers it is a Government document, Sir—which has been turned out by Messrs. Sidney Morson and Company entitled *The Transport Licensing Bill*, and it was first published, I gather, in September, 1957, and revised by these gentlemen in December, and again this year. Now under this revision, Sir—and obviously Government have been worried about this problem for some time although they never let on to us—under this document from London, the new licensing set-up which was given by these people, Morson and Company, is on the British standard, which is an "A" for five years; a "B" for two years, and a "C" licence for five years, and I sincerely hope, Sir, that this document will be made available not

only to Members of this House but also to members of the working committee.

Before sitting down, Sir, I would like to say that we all have very confidence in the Transport Licensing Board itself, but we have felt for them in the great difficulty they have had in operating under an out-dated Bill. It is obviously an out-dated Bill, Sir, because it talks about people who are going to motorize transport and take over horse-drawn transport. I can imagine what horse-drawn petroleum would be like from Mombasa to the coast.

MR. ALEXANDER: Mr. Speaker, Sir, I am chairman of the Road Transport Association of East Africa. I am in that capacity as a professional man. I have no financial interest whatsoever in road transport. But I believe it may be helpful for me to intervene in this debate to perhaps give one or two thoughts to hon. Members. A piece of information which is not generally known and which to me is very fundamental should, I believe, be made available to hon. Members. It did come out in the public hearing at I believe the Transport Licensing Board, and it concerns the operation of jet passenger aircraft to Embakasi. Today there must be, I imagine, at least a dozen world airline operators using our very fine new Airport, and these world airline operators are rapidly transferring to jet aircraft. Very naturally, world airline operators, like all transporters, are anxious to try to stabilize their passenger fares for certainly a reasonable number of years ahead if they can, and my information is that in an effort to do that, they approached the railways and asked the railways to assure them that jet fuel, which is at the moment carried at the same rate as ordinary kerosene (lamp oil), the freight on it would not be increased once the Embakasi siding came into use, the Embakasi siding that was constructed by the railways. The airline operators therefore wanted to make certain that a substantial element in the cost of jet fuel would not be increased, that is in the transport by rail from Mombasa to Nairobi. The railways refused—refused, Mr. Speaker—to comment upon this request through the oil companies for a stabilization of the rates on jet fuel; a perfectly reasonable request from very powerful influences, namely

[Mr. Alexander] the world airline operators and the oil companies; our local railways refused to comment. And in turn the oil companies declined to guarantee the use of the Embakasi siding which the railways had constructed.

That, Mr. Speaker, is a very serious state of affairs, and it just shows the position into which very substantial and responsible people are placed if they are at the mercy entirely of the railways. Now, nobody that has spoken today, and certainly not the hon. Mover, has suggested that there is to be wild and free competition with the railways.

What has been suggested is that for many reasons, there should be some road transport. The Minister, when replying, fell into the error, which of course is so ably used by the railways with their powerful advertising organization, of presenting to agriculture the frightening prospects of the rates on wheat and cotton—he used those products—being increased. He said the railways would increase the rates. What he should have said it that the railways would try—try to increase the rates.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I thank the hon. Member. I did not mean the railway would under the present circumstances. I said under completely free competition.

MR. ALEXANDER: Exactly, Mr. Speaker: under completely free competition. If that was allowed, the railways would raise the rates on wheat and cotton. We are not asking for completely free competition, but this is a frightening prospect that is always presented to agriculture which gets the whole of this subject completely out of perspective. What the railways would do is to try—to try to raise the rates and the Minister would have been more informative if he had gone on to say "... but of course, the law of diminishing returns would begin to operate", and there would be a stage where agriculture would refuse to pay the rates that were increased because it would not just be business.

I do beg all my agricultural friends to get the perspective right on this particular one; otherwise our thinking becomes blurred and our judgment woolly.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

There is just one other matter I do wish to refer to, and this does indicate the wisdom of the Minister for Commerce and Industry on this particular subject, because I can tell hon. Members that it was on his own personal initiative that we got the railway and the road operators round the table. It was he who arranged with the Commissioner for Transport to have an informal meeting between the railways and the road operators. The Commissioner for Transport was in the chair and the general manager and the commercial supervisor of the railways on one side; the Minister himself attended, and the Chairman of the Transport Licensing Board as an observer; and on the other side was the Secretary of the Road Transporters' Association and myself. That meeting took place some three or four months ago, but I think hon. Members should notice it because it does indicate quite clearly what the Minister was trying to do.

There was a long discussion and at the end of it, the indication was certainly from our side, that we wished to continue discussions with the railway to see whether we could come to some sensible conclusion by which the business could be shared—the railways, of course, retaining the bulk of it—and that there should be a small percentage available to road transport. From the date of that meeting, the attitude of the railways became even more obdurate and obstinate, and although attempts were made to get closer, the railways ran further away.

This, Mr. Deputy Speaker, is an unfortunate attitude of our railway today. We all realize that it is in the best interests of these territories for our railways to be supported, but we do ask our railways to try to be reasonable and at times to try to see common sense.

Mr. Deputy Speaker, Sir, I beg to support.

MAJOR DAY: Mr. Deputy Speaker, Sir, I arise to comment on this Motion as a member of a predominantly agricultural constituency.

[Major Day]

I have a fear of increased railway tariffs in the lower group and at times such as the present when farming economy has already been hit hard, I fear, as I have said before, that it will be hit still harder by increased tariffs. Now, the last hon. speaker suggested that this would not necessarily be the case, I sincerely hope, Sir, that is so. Having listened to a number of speakers and the hon. Mover of the Motion, Sir, it seems to me that this is a case where a compromise solution can easily be worked out. I was extremely struck by the readiness with which the hon. Minister, in my opinion, more than ever met the Mover half way, to use his own words. I feel, Sir, that everybody in this House realizes the immense importance of the strategic aspect of this problem such as was very ably brought out by the Member for Nairobi North. But I do urge him also to consider the implications, as I have said previously, which may redound upon the agricultural community, because, Sir, if this is going to be a strategic base and an increasingly large one, it is absolutely essential that we have a flourishing and thriving agricultural community behind it.

I would therefore, Sir, like to end by saying that I personally do not support this Motion, but that I would urge that a committee such as has been suggested by the Minister be set up to examine the whole problem.

MR. JONES: Mr. Deputy Speaker, Sir, unlike the Member for Nairobi West, I cannot say that I have no interest in transport and I would like to declare my interest, Sir, which is as Chairman of the Transport Licensing Board about which the Minister said some very kind and understanding words. I would like to take this opportunity to pay tribute to the members of the Board who do give up so much of their valuable and knowledgeable time to the affairs of the Board. In fact, Sir, I hope the House will not mind when I say that having listened to previous speakers in this debate they have produced all the arguments which the Transport Licensing Board has itself considered when taking action on these applications for licences. The fact that, having decided to give licences to the end of this year to these transporters in the hope that they could

work out on a give and take basis with the railways some *modus operandi* which would be satisfactory to both sides—the licences were reversed on appeal—was a disappointment to the Board, but the legal position being what it is the Board accepts it. It has had a good deal of experience of that kind of thing because this is not the first decision of the Board that has been reversed, and when the House gets the 1957 Report of the Transport Licensing Board it will be seen that very nearly 50 per cent of our decisions which were appealed against were reversed.

Now, Sir, this question of oil transport is something in which I have a very long background—in fact, I am like a sardine in it. Sir, I can say quite categorically that what the Mover of this Motion said was in substance correct. At the end of 1954, Nairobi was down to 12 hours' supply and all our trade with the Congo had been stopped in order to conserve supplies in East Africa. The oil companies at that time fell back on these transporters and they came to our rescue by supplying the Colony with its life-blood. They were told the following year by the Appeal Tribunal that, in due course, this grade must revert to the railways in view of the fact that the railways had initiated an investment, and it was not their fault that the tankers were not in position when the country was low in supplies of oil. It is true that that warning was not given to them until April, 1956. Their licences had been given to them in the latter part of 1954, and it is not customary for the Board to warn people when they are issued with licences that they will be withdrawn at any particular period. It is known that they are issued for a year and after that time they are subject to review. We do not inform anybody that they are likely to be reversed on renewal and it would have been a great labour lost, because we have never reversed a licence yet on renewal. Maybe we shall have to, but I think the transporters were in a different position because they were carrying oil quite as well as any other transport.

Now, the Board did take into account what the Member for Nairobi North laid such emphasis on, mainly the strategic significance of an alternative method of transport in the event of civil unrest, not necessarily from the point of

[Mr. Jones]

view of invasion. In view of the Appeal Tribunal's decision we can only take action on the lines suggested by the Member for Nairobi North if we declare a state of emergency and legal provisions are overridden. The oil companies like the flexibility of road transport. You can get a road tanker back to work again in a much shorter time than you can the railway. The oil companies like all kinds of transport, and one of the things we shall probably live to see is a pipeline from Mombasa to Nairobi, which, in my view, would not only put a stop to this aspect of road/rail competition, but would be a very satisfactory way of taking supplies over a long distance.

Sir, the hon. Member for the Aberdares mentioned the effect on farming and the railways have recently revised their tariff which will have the effect of putting up the price of gas oil which the farmers need in large quantities, at the same time reducing the price of petrol, and other high-graded commodities. An exercise has been done to find what is the increased cost of moving petroleum products about the Colony at the new rates. It was a very difficult exercise and I am not going to claim that it is conclusive, but a very close estimate by expert people puts the size of this problem at an increase of £40,000 a year.

Sir, all the other matters have been very adequately dealt with by speakers on both sides of the House. I do not think that there is anything more at this stage that I can say except that I regret that I cannot support the Motion.

MR. GUNSON: Mr. Deputy Speaker, Sir, I find, though I am a representative of agriculture, that it is difficult to disagree with the wording of this Motion. A certain amount has been said regarding competition. Well, if road transport was allowed to increase very considerably and carry the high value traffic, such as oil, etc., in my opinion that would not be fair competition. I am strongly in favour, Sir, of a working party being set up to go into the whole thing, because it would appear to me that there should be provision from the Transport Licensing Board, so that a policy could be evolved whereby the transport, both rail and road, could be put on a basis so that a

decision could be made for the greatest good to the greatest number.

The railway, Sir, in my opinion, has been run efficiently and it is unreasonable for us as farmers to expect them to carry our produce at very low rates if, as I said earlier, a colossal amount of road transport was not to be allowed. But Sir, recently we have had a certain amount of criticism, a certain amount of disagreement, regarding the products of Uplands.

I was given to understand that the railways were not really in a position to provide refrigerated space for their products; they have had to call in the assistance of road transport.

I do not wish to say very much on the subject, Sir, but I do feel very strongly in favour of a working party going into the whole thing.

MR. PANDYA: Mr. Deputy Speaker, I rise to support the Motion moved by the hon. Specially Elected Member Mr. Slade.

I think it is important to remember, as we have been told in this House, that the transporters came to the help of the railways when they needed it most in that stringent period which existed in 1954. It is true, however, that the licences which were issued were temporary, and I think it would be unreasonable to expect that they would not be renewed within a short span of three years and that the services of road transport as such would not be needed. It has meant investment of a considerable amount, and even allowing for depreciation it would mean a great amount of waste in the investment of funds by these public spirited people. This will certainly mean that hardship will be caused to the various business people and it will mean the future discouragement of any such private enterprise that will come to the rescue to supplement the limited public transport system.

We must always remember that the requirements of this country are increasing every year, and, particularly keeping in mind the fact that there may be an oil refinery at the coast in the not too distant future, we must try to help the private enterprise so that in years to come they will be able to supplement the limited resources of the railways, keeping in mind the increased flow of oil

[Mr. Pandya] which is bound to be required by residents of this country.

Now, Sir, I think that if we look at the terms of the Motion, it only asks for a "reasonable proportion" to be allowed to be transported by private enterprise, and in relation to public interest. Surely, Sir, it would be in the public interest to make sure that these people should not be run out of business. All we are asking for, Sir, is fairness to existing contractors in view of the public spirit which these people showed four years ago.

With those few words, Mr. Deputy Speaker, Sir, I beg to support the Motion.

MR. COCKER: Sir, contrary to my hon. and gallant friend the Member for Nairobi North I thought there was much that was constructive in the speech of the Minister. I would not, of course, dare to join issue with my hon. friend on the question of strategy because I know that he is a great expert on that subject, but I would point out to him that if the railway bridges were destroyed by some Lawrence of the future it would be just as easy to destroy the road bridges. Then, in fact, oil would not get from Mombasa to Nairobi in any case. Because if the bridges at Voi and Athi River were blown up I cannot see any of these tankers getting through.

My hon. friend the Member for Nairobi West made some remarks about the law of diminishing returns. But I cannot see how this principle would operate at first; it might operate later on. My hon. friend the Member seemed to imply that the owners of tankers had come to the aid of the railways, but I do not think there was anything altruistic in their motives. They are businessmen, and quite naturally they did or so I believe, make a very good profit. Sir, in these times.

MR. SLADE: Sir, I really think that the quota system would work because a quota system would mean only a very limited number of tankers, and there was a real danger that would not otherwise very much to solving it.

I agree with one or two other speakers who agreed with the Minister, who said that the tankers should be allowed to be substituted only in the case of

railways themselves should take over the tankers and work them on the main roads and subsidiary roads.

It may be of interest, Sir, to remark, as I am a member of the Road Authority, that as a matter of fact the Road Authority derives great gain from these road tankers, because although they do damage the road a very large licence fee is paid. I believe that something like 50 per cent of the total amount collected in licence fees comes from the heavier transport. Naturally this means a great addition to the funds of the Road Authority.

In consideration of the points made by my hon. friend the Minister I am afraid I do not find myself supporting the Motion.

MR. TRAVADI: Mr. Deputy Speaker, Sir, I rise to support the Motion moved by the Specially Elected Member Mr. Slade.

At the start, Sir, I would declare that I have no interest so far as road transport is concerned. Neither have I any interest, even direct, in the railways as there are no Asian Members on the Transport Advisory Board. Therefore, I am not directly concerned in that way. However, as the railway does serve me perhaps I do have an interest and I declare it.

The Motion is a very reasonable one, but the arguments advanced on the opposite side seem not to be very convincing; only in the one respect that I am convinced that there is a necessity for a sort of small working party to go into the aspects of road and rail competition.

I remember distinctly in 1937 when there was a lot of discussion. It was said then that the railways should monopolize the whole transport service. Now, the time has really come for a working party to be appointed to go into this.

As we all know, according to the Transport Advisory Board, this is run on a commercial basis, but if we allow the railways to monopolize the service, this monopoly the first casualty will be speed and convenience of the public. If there is no healthy competition between the railways and the road transportation this

[Mr. Travadi] naturally there will not be any improvement. Here if we allow private competition then there will be improvement, a continuous improvement, in the services. So from a business point of view and from a convenience point of view, Sir, their contribution is an absolute necessity.

I was very much impressed by the other argument advanced concerning military strategy. If the railway line were to be partly destroyed the situation would be very precarious, and the agricultural industry, as well as other people, would suffer. I do feel, Sir, that there should be a double transportation system.

I have therefore come to the conclusion that I must support the Motion.

MRS. HUGHES: Mr. Deputy Speaker, I had not intended to intervene in this debate because I felt personally that the Motion as it was framed was very much too narrow.

The agricultural industry, I feel, is very worried about the whole question of railway rates. I would like to congratulate the Minister on his reply and say that I very much welcome the suggestion of a working party to consider the whole question and the whole balance of this differential tariff between various products.

I welcome this very much indeed and thank the Minister.

MR. SLADE: Mr. Deputy Speaker, Sir, I very much welcome and appreciate the attitude of all Members of the Council to this Motion. They have given it very serious thought, and they have all made a rational contribution.

I am disappointed, naturally, that this Motion has not received unanimous support, but I am thankful for the support that I have received.

There are one or two points of detail on which I would like to comment very briefly, Sir, before I come to the main substance.

First of all, to those who have expressed fear on behalf of the farming community that this may result in increased tariffs I would ask them to bear in mind the other danger that the farmers, the same farmers these hon. Members, represent, face, namely the

shortage of oil. Which is the greatest danger?

The hon. Minister for Commerce—and I should like to thank him particularly for his attitude—did make one or two incidental comments which I would like to refer to. He did suggest that it was not too bad for people who were in the position of transport contractors, such as these, because they would always be writing down their lorries and that they would find themselves in quite a happy position when their licences run out. But that was a little ingenuous, I think, Sir. There are such things as replacements; it will be a very lucky man who finds that his fleet of lorries is exactly worn out when his licence expires. There are, of course, other problems of staff and overhead commitments which one cannot just write off in a day. I do not think I need say any more about that, because I think I have said quite enough about the merits of this particular case.

Yet I would like to draw attention to two things that were said before I leave the merits of this particular case. The first is the acknowledgment by the hon. Nominated Member—the confirmation, I should say—that these contractors were given no warning of their short-lived activities until April, 1956, which was some time after they had got going. Secondly, Sir, the Minister quite rightly said that you must not criticize the railways if they were not looking very far ahead, so far as tankers were concerned, because of the big capital outlay involved. That is just the reason why the railways were unable to cope with sudden unexpected demands. They could be part of the case for a second line of standby transport.

There is one more thing I must say before I come on to the full substance of my Motion and that is to concur entirely with the hon. Nominated Member's tribute to the Transport Licensing Board, and to associate with that the Appeals Tribunal. I know how very hard these bodies do work without thanks or remuneration; and having read the judgment of the Appeals Tribunal in this case, I do appreciate the thought that they gave to this particular case.

Sir, I appreciate very much the Minister's proposal to establish a working party to go into the law which he

[Mr. Slade] described himself as an Ordinance which is out of date. That, undoubtedly, is part of the answer, particularly if the working party gets going very promptly and produces its recommendations as quickly as possible. But, Sir, this is not the whole of the answer. I would not like any hon. Member to think that it is. As I understand it, this working party will deal only with the possible revision of the law. But there is something quite separate which this working party will not tackle at all, and that is the issue raised by this Motion of public policy. The Minister seems to propose to leave that completely in the air, and I do take up very seriously, Sir, his reason for not accepting this Motion. The reason given by him is in effect that it would be improper for this Council to pass a Motion of this kind, declaring public policy on this vital issue. Now, Sir, as a matter of principle I cannot let that pass, and I would reiterate that the Government or this Council will have to be prepared very soon, if not today, to say what is the public policy in this matter of competition between roads and the East African Railways. No working party can do that for you, and no Transport Licensing Board and no Appeals Tribunal can do that for you. It is our responsibility, and it is the Government's responsibility and we have got to face it. As I have said, we must face it tomorrow if we cannot face it today.

Now, Sir, let me examine the reasons that the Minister and his legal advisors have given for not facing the issue today. They say that the Transport Licensing Board is a quasi-judicial body; so is the Appeals Tribunal; and that, of course, is true. They say that the Government cannot advise or direct them. That, of course, is true as regards the granting or refusal of a particular application. That is the exclusive function of the Board and the Tribunal. But that, Sir, is begging the question; because the proposal in this Motion is not to direct the Board to grant any particular licence. The proposal in this Motion is to declare the general public policy as to transport of oil by road versus transport by rail.

Now, Sir, it seems to me to be quite clear, and I am sure the Minister's legal advisors must agree with me on this, that it is within the competence of this

Council, and it always must be, to make any declaration it likes on matters of public policy, whatever boards there may be dotted around the country. The existence of a board, statutory or otherwise, cannot remove the ultimate authority of this Council to state what is public policy. That is all I am asking this Council to do.

I acknowledge that in the application of public policy to particular cases, in the entertainment of individual applications of licences, of course, the discretion of the Board must remain unfettered. Of course, Sir, we cannot give it direction; otherwise why have a Board? Of course, we cannot override the Board. But Council can and must hold itself free to make a declaration of public policy in the terms of this Motion and I am very disappointed that the Minister is only justifying his rejection of this Motion on that particular ground, that it is beyond the competence of this Council.

I need say no more, Sir, and I beg to move.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones). On a point of explanation, Mr. Deputy Speaker, it is obviously not beyond the competence of this Council to declare public policy by amending the law. The working party will make recommendations on precisely that.

The question was put and negatived.

MOTION

CONTROL OF AFRICAN VAGRANT CHILDREN

MR. SLADE: Mr. Deputy Speaker, Sir, I beg to move that in view of the problem created by vagrant African children in Nairobi and other urban areas, and by their continual return to such areas after removal therefrom, this Council urges Government to intensify measures for the control and care of such children; by providing for identification of habitual vagrants and by requiring parents and African district councils to accept their various responsibilities for such control and care.

I think, Sir, that this Motion really speaks for itself and cannot be very contentious. The purpose of it is to ventilate what is a very serious problem, so that the Council may become fully

[Mr. Slade] aware of it, and possibly help the Minister concerned and others by suggesting solutions.

Now, Sir, the scale of vagrancy of African children is more serious than a good many people may realize. I understand that in Nairobi alone the average population of vagrant African children—if one can call it a population—is between 500 and 1,000 children at a time—children without homes. Certainly, Sir, to give more precise figures, the figures of vagrant children passing through the courts in Nairobi in a period of eight months only, from October, 1957, to May, 1958, was 839 children, an average of something over 100 a month. That is the number of children passing through the courts alone. That does not take into account the very many others who are dealt with outside the courts altogether by very hardworking and devoted officers, men and women, in Nairobi, who collect these children and return them via reception centres to their homes. There must be hundreds in circulation, and unfortunately, they are much too much in circulation because, of the many hundreds sent back to their homes from Nairobi, from the courts, or through these administrative officers, far, far too many reappear again far, far too soon, and it is a vicious circle. The consequent trouble to the community is obvious. It results in theft, prostitution and gangs, making trouble of all kinds. It involves a tremendous waste of expenditure in escorts, and in the work of these officers to whom I have referred, to keep on circulating these children to no effect. It is a very serious and expensive nuisance to everyone. My concern, however, is chiefly for the welfare of the children themselves.

Now, Sir, why is this happening? It arises from all kinds of deep causes, some fairly obvious and some more remote, most of which will be beyond the reach of discussion in this debate. Some of them, I think, hon. Members will find discussed in the Report of the Committee, of which I was the Chairman, which was made a little while back. My immediate concern in this Motion is today is an immediate remedy. I have no doubt that, whatever may be the long-term remedies by way of prevention

through social measures, the immediate remedy lies first and foremost in bringing home to local authorities and parents their responsibilities in this matter. That has general significance, I know, in many fields of social welfare. But it is particularly significant here, in this matter of vagrant children.

We have got to find ways of making parents and local authorities not only realize their responsibilities but feel their responsibilities. Actually we should be prepared to make them pay for neglecting their responsibilities.

Now, Sir, in fairness to local authorities, local African district councils, I do know from what the Minister has told me, that many of them are already accepting a considerable measure of responsibility in these matters. But it is apparent that they are not yet accepting enough, otherwise the evil would not be as great as it is now. They have got to find ways themselves of preventing the children of their own areas of jurisdiction running away to Nairobi and other towns as easily and as frequently as they do now.

I think that part of the trouble may be that the African district councils do not know the scale on which it is happening, and do not know the particular children who are the miscreants. If that be the case, then they must be helped to know. They must be specifically informed of the picture, as regards each offender.

As regards parents, they can, I suggest, be made to feel more strongly than they do at present, by being prosecuted for neglect of their children, or being made to contribute to the cost of bringing their children back from Nairobi if it is established that the child has run away due to the neglect and carelessness of the parents.

All this, I know, involves some way of identifying the habitual vagrant, because part of the trouble is that each time one of these children reappears in Nairobi he or she is liable to give a different name and not be connected with someone who has been handled before. That is why I have expressly referred to identification in this Motion as one of the things that is required. I do not know what is the best way of securing identification of these children so that the second offender

[Mr. Slade] is recognized as such, and dealt with accordingly, and his local authority and his parents are likewise made to realize that they have let the child slip through their fingers for the second time. It may be that fingerprints is the best way, but that is very cumbersome and expensive. It may be that there is some device such as we saw demonstrated by the police at the Royal Show where an invisible powder can be put on some part of the body which shows up as a clear mark when the area is exposed to infra red rays. I do not know how long that would last. It might be a kind of form of branding. But today, Sir, I am not intending to propose all the answers to these problems. I am only asking Council to realize that there are these problems, and that they are very big and serious. Perhaps the Minister would tell us what he is doing towards finding the answers. I would suggest that whatever answers there are will require some further legislation, and we should not shrink from any legislation that may be found necessary. Whatever importance one attaches to the expense and the social nuisance, it is the children themselves that matter most, and the future damage that may arise from continuation of the law oppressing African children in large numbers is far more serious than any present nuisance. Any expense on legislation or measures to cure these troubles will be far more constructive, far more productive, expense than the present expense of simply pushing them round in a circle, back to their homes, until they arrive back in Nairobi, and then back to their homes again.

Sir, I beg to move.

Mrs. HUGHES: Mr. Deputy Speaker, I think the hon. Mover has put the case extremely well and there are few items on which I would like to speak.

I am only wondering, Sir, when the hon. Mover was speaking he did mention continually sending these children back to home. Now, Sir, with the recession, particularly in Nairobi, I am wondering how much this scene is changing and how many of these children actually have their homes in Nairobi itself. I feel that the emphasis is changing slightly and that the problem

lies to a greater extent than it did in Nairobi, and I think it will be necessary to take strong measures in regard to more parental control.

In connexion with sending these children back to the districts in which they live, if their homes are not in Nairobi, I am wondering how much financial responsibility the local African district councils have to pay for in the expense of sending these children back to their original homes. Is any of it passed on to the local district council or is it all borne by the Central Government?

I think one of the points of law that should possibly be tightened up is the whole question of receivers. I think a lot of these children are tempted to come into the town and do become thieves because of the amount of money they do, particularly for such items as non-ferrous metals, from the receivers. I am wondering if anything can be done to tighten up on this side.

The last point, Sir, I would like to make is the question of Wamumu. I understand that this is being run down and I am wondering if this is so, whether it is wise at the moment and whether this should not be kept up so that it can accommodate the full number of children that it has been accommodating in the past.

Sir, I have great pleasure in seconding this Motion.

Question proposed.

MR. COOKE: Mr. Deputy Speaker, Sir, I think that the country must be under a great sense of gratitude to the hon. Member, the Mover, for the constant interest he takes in this matter and for his constant reiteration that something must be done.

Now, Sir, in my student days, in the intervals of playing football and cricket, I did a lot of slum work, both in London and in Dublin, and I am absolutely amazed at the apathy of the people in this country towards this very pressing problem. It is a problem that not only must be solved but must be solved with speed, or else we will have, as indeed has happened in spite of the efforts made at home, large numbers of teddy boys and other quite unemployable people, Africans, in this country.

[Mr. Cooke]

I think the hon. Mover said that the municipalities were unaware of this problem, but there is no reason why they should be unaware, because many people in this country have written on the problem. I do not want to quote myself, but I have written, in the past, two or three leading articles in the *Kenya Weekly News*, when I was acting editor, drawing attention to it; and there was not the slightest response to any of the things one pointed out—and not the slightest response in the way of volunteers to take an active part in this campaign.

The hon. Member for Nairobi West very rightly draws attention to the necessity for leadership amongst the young Kenyans and I suggest that one of the best ways they could show leadership would be to do social service work in the big cities of Kenya. I am sure that nothing, or at least very little, would gain the confidence of the African people more than seeing Kenya European youth taking an interest in this problem.

Sir, I would like heartily to support the Motion.

DR. WALKER: Mr. Deputy Speaker, Sir, in supporting this Motion in the broadest principle I should like to inform the House of the measures that are now being taken to get to the root of the problem. I would like to say that these measures are immediate and not of long-term import, as the hon. Mover would think. We ourselves in the Medical Department are of the opinion that the solution lies right within the family, and we are going to extend our technique of preventive medicine into this sphere of social endeavour.

It is our view that if the family is sound and prosperous we will have no problem of the waif. In this connexion, Sir, I would like to draw a distinction between the waif and the stray. The waif is the child who has been driven out of the home by adversity and has come into the town to find a living, a bare subsistence; whereas the stray is the child who has left the family of its own volition and may possibly be a future Dick Whittington. Nevertheless, Sir, the child who leaves home of his own volition may do so because the

authority and discipline within the home and the family is insufficient.

During the Emergency, Sir, the problem was greater than it is today, and we started in the first instance by straightforward welfare and relief of distress. We were aided in our efforts, most nobly, by the officers of St. John and of the Red Cross. I should like to take this opportunity of thanking them and of saying that if it were not for their help we would be far from having progressed along the right lines as we are doing today.

It was not long, however, before it was quite clear that more than welfare was required, and we have now moved into the field of education, education within the home. It is quite clear that it is the mother herself who is the person who must be supported in keeping the family together and ensuring that conditions are such that there is prosperity within the family and that there is authority and discipline. It is very difficult for a few officers to be able to get individually to all who are in need and all who require instruction, but we are in the process of building up an organization at this moment of Home Visitors. It is semi-voluntary and the Home Visitors will be enrolled possibly in the Red Cross or St. John. As far as the Central Province is concerned, the Home Visitors will be enrolled as junior members of the Red Cross Society. I have pleasure in informing the House that tomorrow Lady Mary Baring is going to Nyeri to open a school for Home Visitors, which has been built and which has been in operation under the very able direction of Miss Brigstocke. Already a hundred students have been turned out and the numbers will go on increasing; it is quite clear that the establishment of these schools will soon be a fact in other districts throughout the Colony.

We have to adopt this semi-voluntary system for the moment, Sir, because, as the hon. Member for the Coast said, the African conscience has not been sufficiently aroused yet to recognize the magnitude of this problem. Until we have the assurance that there will be voluntary organizations among the Africans, we must fill the gap in this manner. When the African conscience is aroused, one of the first problems that they must face is

[Dr. Walker] that of the working mother. I have mentioned this matter before in this House and I would like to repeat what I have said, that one of our greatest difficulties is that it is so very seldom that our workers can get in touch with the mother. She is hewing the wood, drawing the water, cultivating her plot, when she should be in the home, looking after her children and inculcating decorum. We hear a lot about unemployment in the African areas and I would suggest that were the woman to be relieved of a considerable amount of the work which she is not really fitted for, there would be less talk of unemployment in African areas.

Now, Sir, I know the hon. Mover wishes to draw Government's attention to a different aspect of the matter, but I had to take the opportunity of telling the House how we were getting right down to the fundamentals.

With regard to the treatment of the vagrants that I think is within the hands of the Community Development Department and I think hon. Members would be surprised if they were just to go round the country now and see the great success that the Community Development Department is having with its youth clubs. We in our Ministry are following on and getting at the younger age group so that there should be no gap left in our plans for organizing a solution to the problem that the hon. Mover has put to us.

Sir, I beg to support.

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Deputy Speaker, Sir, this is a Motion that touches on all the Ministries in the Government because the results of children straying into the townships and becoming a nuisance touch on everyone. The problem touches on the Ministry of Education which is limited by money in providing the necessary accommodation in schools where only a few can be admitted and the rest have to remain on the hands of the parents. It touches on the Ministry of Housing perhaps because of the inadequate housing, the children are not comfortable in their homes. This is my opinion goes for both urban and rural areas. It touches on the Ministry of African Affairs and Community Development, which have to carry out the administration, and on

Commerce and Industry, which has to supply trade and business to bring money to the parents who in turn use this money to support both the family and the children.

Mr. Deputy Speaker the vagrancy of children is the responsibility of both the parents and of the country. If local authorities have to deal with this problem, they will have to have enough money with which to tackle it. It is true that money is limited to them just as it is with the Government.

I think the hon. Mover has made us aware of the seriousness of this problem and it calls for everyone in the country to concentrate and make an effort to run a special campaign to deal with this problem. Dul. life in the home, particularly in the reserves, makes children want to look for some activity, and although there are movements like boy scouts, girl guides, boys' clubs, the Young Men's Christian Associations and the Young Women's Christian Associations, and although there are entertainments like the band we saw at the Royal Show, with small children entertaining a huge crowd, beating drums and enjoying music, these are not sufficient to keep the children who come to townships, entertained in the reserves.

It may be that if this Motion succeeds, a special campaign will be directed to this particular problem and some reduction in the seriousness of the problem might result.

Mr. Deputy Speaker, Sir, I said in this House that I was going to deal with the housing side of the problem, and I am planning for family housing and not bed-spaces. I hope that sort of thing will reduce the seriousness of that side of the problem. Perhaps when the Minister for Education speaks on this he will tell us whether he has any spare money to open an extra classroom or so to accommodate some of the children who do not find room in the present schools and therefore have to come straying into the townships. However, as I have said, we are limited in the matter of money, and yet we cannot overlook this problem.

It is very discouraging to find that this Motion is referring to African children, and makes some of us, who are Africans,

[The Minister for Housing] feel embarrassed and ashamed to find that only our African children are causing this problem and becoming a nuisance to the townships. If we look round to see what the other communities are doing for their children to keep them well controlled, we might perhaps learn some lessons, with the help of the various Government departments, to reduce our problem so that instead of wasting a lot of time discussing and arguing about the Constitution we can come and tackle these problems which are very, very near to our hearts, and which are causing a social problem. It would be better to do that than to waste a lot of time on the Constitution which is an everlasting thing that will always keep coming and coming and coming again.

Mr. Deputy Speaker, Sir, I beg to support the Motion.

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Wanyutu Waweru): Sir, I do endorse most of what was said by the hon. Mover and second about this Motion, and in doing so, Sir, I have a few observations to make. This, in my opinion, is a very serious matter that should be considered by the members of the public and also of the Government. Personally, I think it is a very big threat, if it is not put right, to the future administration of this Colony.

The children who come to Nairobi are mostly children who are born in my own district of Kiambu. A few may probably come into Nairobi from Fort Hall. Speaking about the children who come from my own district, the Emergency has got a part in that matter. Some of the children who have no parents do wander about the reserves and if they happen to have friends in Nairobi they do come here.

As the hon. Director of Medical Services said, a lot has been done by starting what are known in the Central Province as youth clubs. They are also known as Wamumu centres. This is a tribute to the officers who were in charge of the Wamumu Youth Centre, and that is why all other centres in the Central Province are called after Wamumu.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

This matter can be solved if the Administration, local government, the rehabilitation department, the Education Department all co-operate, as the Minister for Housing has already said.

A question was asked, Mr. Speaker, by the hon. Second of the Motion, whether the local government authorities had been sharing the expenses of returning these children from Nairobi to their own districts. The Kiambu African District Council has passed a by-law trying to restrict the movement of children from the Kikuyu reserve to Nairobi. The same Council, Sir, has increased the school fees with the aim of providing what the Africans have been clamouring for—eight-year education. There is a further proposed increase of fees which will also, we think, help to solve the problem. But this can only be increased up to the limit of the capacity of the parents to pay these fees and no further. If local government can do so, I think this is going to be a serious threat to the Central Government to provide more money to the Rehabilitation Department so as to enable the existing youth clubs to be well staffed and to do the work they have done so well up to now. I feel strongly that if the staff can be increased, the money would be well spent.

I may probably be asked, Sir: Have you got any suggestions to make? I say that I have. During the month of September this year, I was greatly impressed to see that some of the children were going to work on their parents' *shambas* nearly every day after school hours. This is an agricultural country and the more children whose attention we can turn to the land, the less we will have of the trouble which has been seen by the hon. Mover. The children can be taught by their parents how to grow this or that. As I have quite often said, Sir, that this country is faced by the problem of marketing our produce and if the children are to grow any produce now, and then find out later that they cannot market it, they will be downhearted, and they may lose their interest in the land. This, I think, is very important.

[The Assistant Minister for Education, Labour and Lands]

This brings me to the European saying, "Satan always finds work for idle hands to do". If these children are kept busy at home, as well as the Government providing markets for the things we produce, they will enjoy cutting off their connexion with the cities and they will stay in the reserves.

Youth clubs should be financed more than they are today. The staff of the youth clubs should be increased. If these youth clubs have more money than at present, more scouting would be done, more girl guides would come into the field, and they would all help to solve future trouble to the Administration, which I have already mentioned.

With these remarks, Mr. Speaker, Sir, I do support the Motion.

MRS. GICAGA: Mr. Speaker, Sir, the Motion which is now before this House draws attention to the problem of vagrant African children in Nairobi and in other urban areas, and urges the Government to increase measures for the control and care of such children and also to bring home to the parents of such children and the African district municipalities their respective responsibilities.

In considering this problem, it would be useful to try to discover the facts about it. Nairobi may be taken as an example, since what applies here is also true of the other urban areas, although perhaps to a lesser extent.

It is true that some children wander into Nairobi from nearby districts such as Kiambu. But what is the cause of this? I suggest, Sir, that the cause is to be traced to the home and the surrounding environment. Unfortunately, there is still a great deal of poverty in many African homes. This state of affairs is made worse by the conditions in the villages resulting from the present Emergency. In many cases the women are bearing a burden far beyond their ability to sustain. For many long months, and in some cases years, they have been struggling single-handed, deprived of the assistance and support of their husbands who have been absent; many of them are still absent today from their homes, being in detention camps under the Emergency regulations.

Under normal conditions, it is often difficult enough to feed and provide

clothing for the family from the wages which the husband is able to earn, even supplemented by the meagre crops grown in the *shamba*. How much more difficult it is, therefore, Sir, for a mother to keep her family under abnormal conditions, and without the aid of her husband. Setting aside the child who has nothing to eat, the activities in village life are not sufficient to hold the interest, even of a child whose stomach is full. It is not surprising therefore, Sir, that the children in those circumstances get out of hand and beyond the control of a mother who is pretty well at her wits end.

I suggest, Sir, that the majority of the children who wander into Nairobi do not come to look for fun but to look for food. They enter this bewildering city not to visit or stay with relatives but to fend for themselves as best they can. Only those who have seen with their own eyes will know how pathetic it is to see a little boy wandering from dustbin to dustbin in search of scraps of food; or to see that same boy lying in the gutter when darkness comes, there to await the dawning of another hopeless day.

However, tribute must be paid to the splendid work of the voluntary welfare organizations and of such Government departments as the Probation Department. But their efforts, splendid as they are, are not sufficient to cope with the problem. While it is important that the parents should realize their responsibility towards their children, the local authorities should do more to help the parents to face this responsibility. I believe the Government could also play a greater part in helping to solve this problem by starting schemes to provide employment for those without work and also providing the creation of facilities to hold the interest of boys and girls in the villages. In this connexion, the excellent work being done in experimental youth clubs is a most encouraging sign.

If we discover and appreciate the root causes of this problem we should understand better how to approach it and to find a suitable and enduring solution.

Mr. Speaker, Sir, I beg to support.

MR. MUCHURA: Mr. Speaker, Sir, the Government has indicated that it is going to support the Motion, I do not have to cover all the ground that has been covered by trying to impress on

[Mr. Muchura]

Government the seriousness of the situation.

I must also say that it is not true to suggest that the African has not realized the need to try to do something to help. I know and I remember when I was a member of the Nairobi African General Ward Council, I did initiate a debate and discussion on this problem. It was very well supported, and the Ward Council then realized its responsibilities. When I say I do not want to go into details as to why it is important, I would like to suggest to Government ways and means of how to go about it and as has been mentioned, this is a problem that cuts across almost every Ministry, and I think that is true. I would suggest, for instance, that I, for one, would like to see one thing done. That is, the showing of cowboy films in the African location is one of the first things that should go, because these films are shown to boys and girls who have probably never been anywhere near school; some of them have no idea whether these are just a form of entertainment, and they think that is how things are done in the civilized world. That is one of the things I think should be got rid of immediately; I do not mind if they have comic films and everything else, but certainly not cowboy films.

The other thing is, I would also join hands here with the hon. gracious lady, Mrs. Hughes, in her speech last week on the Governor's speech. That is, this problem of prostitution; this must also be taken very seriously.

The children from the more decent families tend to follow, as a source of attraction, the children from these homes where there is nothing like parental control; whereas in fact the more they are out of the parents' way the better it is for the mother. Therefore, children being what they are, and the home institution being what it is, it is impossible unless one can sit there the whole time and actually get hold of the child and say "Sit down", or take him to school. I know also some people say that parental control is lessened. "Supposing I were a labourer earning a minitium wage; say I probably cannot even read or write; it may be possible that I can send my child to school, in Pumwani, for instance. He comes back:

he knows all about the world around us; he knows about the sun, he knows about this and that. I am completely ignorant, and as soon as he starts to teach me these things, he will never take anything from me. It is not because I do not want to, but we are living in different circumstances. We are not back in the reserves as we were, and therefore this question of prostitution should also go hand in hand, when the Government is considering such things, with the problem I have just mentioned. One simple fact is that there are hoards of these characters from across our borders, Tanganyika and Uganda. There are hundreds of them. Some of them are not employed at all, but aggravate the increasing housing shortage. They are not productive; they are not doing anything for anybody.

The same thing applied when I was in the Labour Department; travelling down to Eastleigh, seeing how these little boys and girls were used by prostitutes and the like, was just encouraging nothing but crime. These youngsters will never grow up to be anything useful, but they will have been trained in criminal ways all along.

Therefore I would suggest to Government, when they are considering all these things, I would strongly recommend that the showing of cowboy films should go; some of us will remember what these films did to the minds of even some grown-ups who wore these ten-gallon hats and these funny boots just before the Emergency. Therefore, Sir, that is one difficulty, and the question of prostitution is very much allied with this. The more the children are kept out of the way the better it is. Children being what they are they will follow their friends and then crime is the result of all this. We are training a large number of criminals and it will not be possible to deal with them when they are grown up.

I beg to support the Motion.

MR. RUBIA: Mr. Speaker, it was not my intention to participate in this debate, but there are one or two points which I would like to bring to the notice of the House, particularly as I am a man who has had quite a lot of experience of this subject when I was in the Ward Council with the hon. Specially Elected Member, Mr. Muchura.

[Mr. Rubia]

First of all, Sir, I feel that the main step should be to establish what the cause of the present state of affairs is. Even before we get to the question of trying to introduce some measures to deal with the situation I think we should try to find out what is the cause, as has been said, I think, by one of the previous speakers.

I would like to point out some considerations which seem to be very important. First of all, Sir, I think we should appreciate that apart from the children who come from Kiambu and all the other areas there are people who are genuine residents of Nairobi. I feel that that problem is not very much appreciated by many hon. Members. But that is a fact. Usually, Sir, the African as he will tell you is only here until the time comes when he wants to go back to the reserves. But, Sir, while he lives here his children grow up here. Then the African dies, and his children quite unconsciously become urbanized. Problems are constantly arising out of that. Apart from the children who come from the outlying districts, Sir, I think we have first of all got to deal with the genuine Nairobi children.

Again, Sir, I think that while the problem is to try to rehabilitate these children, parents require rehabilitation themselves. Very often if you go round places like Pumwani you will see children who are absolutely neglected. The father and mother may be sitting by the fire enjoying a nice talk, and you will see their children running about in the streets. I think that the parents should be made to realize, if necessary, that they have important responsibilities to their children. Therefore, Sir, I think that emphasis should be laid on the rehabilitation of the parents.

The other question, Sir, is that of the beer halls. I may be prejudiced here, Sir, but I think it is wrong to have these beer halls in the estates where children will see people who are drunk; there may be an opportunity for the children to steal something and copy bad things. The children may be tempted to steal one or two shillings to buy beer. I think that is wrong. I think we should face the fact that beer halls exist in all the estates; it is not a rare thing. In Nairobi we have, for example, a beer hall in nearly every

estate except one Ziwani. I think that the residents objected to the provision of that. I think it is wrong that there should be a beer hall in every estate, or in nearly every estate.

My next point, Sir, deals with education. Here, Sir, I feel that if we can introduce compulsory education the problem can be handled much more easily. If we could compel the parents to send their children to school then I think it would be easier to administer the question of those who do not belong to Nairobi. But, Sir, without compulsory education I feel that the problem is not unsurmountable but I think it will be very difficult to give some occupation to these children. I think that the House should think very seriously about this.

I wish now to emphasize the problem of prostitutes from our neighbouring territories. That is a worry, Sir, and I think this Government should be advised also to try to see if the undesirables and the prostitutes could be sorted out in Pumwani. Our efforts, Sir, will be wasted if we cannot at least make sure that we do not have tenants practising prostitution next to a decent family.

My last point was raised by Mr. Wanyuta Waweru; The African district councils are taking steps, but here, Sir, I must confess that I am prejudiced against it, but I do not think that the African district councils are doing enough. I doubt whether to return a child to Kiambu in a truck, and leave it there, is enough. I would appeal, Sir, that they should try to appreciate that we in Nairobi are faced with a very difficult problem. As a parent I feel very strongly about it, I have got children who are growing up and I intend to bring them up in Nairobi. I therefore feel very strongly that the African district councils are not doing enough and I would like to appeal to them for help. It is both for their good as well as for our good.

Mr. Speaker, Sir, I beg to support.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The time has now come for the interruption of business. I therefore adjourn Council until 2.30 p.m. on Tuesday next, 18th November.

The House rose at thirty-three minutes past Twelve o'clock.

Tuesday, 18th November, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Cashew Nut Marketing Rules, 1950.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock) on behalf of the Minister for Agriculture)

Annual Report Transport Licensing Board, 1957

The Control of Essential Supplies Order, 1958.

The Control of Imports and Exports Regulations, 1958

BY THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones)

NOTICE OF MOTION

LOCAL AUTHORITIES SOURCES OF FINANCE

SIR CHARLES MARKHAM: Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council requests Government to set up a Working Party to receive representations, enquire into, and report regarding the sources of finance at present available to local authorities, and their adequacy for the proper discharge of the statutory functions of those authorities, and the provision of them of such services and amenities as are deemed necessary.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 62

MRS. HUGHES asked the Minister for Local Government, Health and Town Planning, in view of the proposed preparation of a planning survey and master plan for Mombasa and district, will the Government state—

(a) what will be the cost of this exercise; and

(b) what has happened to the master plan prepared by Prof. Thornton White?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock):—

(a) Negotiations are still taking place with the Mombasa Municipal Board, which will bear the cost of the work, on the question of the terms of reference and the cost.

(b) The master plan prepared by Prof. Thornton White for the Mombasa municipal area excluding the area of the old town, was submitted to the Mombasa Municipal Board in 1947. The report, which should have been prepared to explain and supplement the plan, was never completed or submitted to the Municipal Board.

MR. USHER: Mr. Speaker, Sir, arising from that answer, may we take it that the supplementary report also was not paid for?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I am informed, Sir, that Prof. Thornton White received a partial fee of £500.

QUESTION No. 34

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Internal Security and Defence why African prisoners are only issued with one pair of shorts and shirt while in prison?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The Prisons Department has recently been able to double the issue to which the hon. Member refers and all African prisoners now receive two pairs of shorts and two shirts.

SIR CHARLES MARKHAM: Arising from that reply, Sir, would the Minister state what happened regarding the old rule of "one on and one in the wash"?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): When they had only one suit, Sir, there was none on and one in the wash.

QUESTION No. 35

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for African Affairs why tax raids in the urban and rural areas are confined to Africans only?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): By "tax raids" I imagine the hon. Member refers to the authorities' demanding the production of tax receipts and, in certain circumstances, to the arrest and prosecution of defaulters. Such action is not confined to Africans.

QUESTION No. 38

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Works—

(a) What is the estimated cost of bituminizing the 25 miles stretch of the Mombasa Nairobi road between Mariakani and Mackinnon Road?

(b) How long would such work take once it has been started?

THE MINISTER FOR WORKS (Mr. Nathan): (a) The cost of this improvement would depend entirely on the standard of road which the Road Authority considers necessary. The bituminization of already constructed roads can vary widely in cost, and recent work of this type has ranged between £4,000 and £12,000 per mile. On this basis therefore, the 25 miles between Mariakani and Mackinnon Road would cost anywhere between £100,000 and £300,000.

(b) Once started the work would probably take about 18 months depending on the specification being adopted and on the size of the unit working. A larger but less economic unit could take a shorter time.

I have given the hon. Members the information requested, but may I repeat what I have said several times, which is that this information can be obtained very quickly and at far less cost to the taxpayer if enquiries are made in writing or by personal call at the Road Authority or at my Ministry's offices.

QUESTION No. 39

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Local Government, Health and Town Planning:—

(a) How many convictions have been obtained at Mombasa and Nairobi during the last three years as a result of the municipal by-law

which prohibits the carrying of knives and walking sticks in the Municipality?

(b) The breakdown of this number according to nationalities, namely, how many Africans, Asians, Arabs and Europeans?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): (a) I assume the hon. Member is referring to the Mombasa Municipal By-law No. 374, which prohibits the carrying by Africans of knives, other than a small pocket knife, or any dangerous or offensive weapon wherewith bodily hurt can be inflicted, and to the Nairobi Municipal By-law No. 618 which prohibits the carrying by any person other than Government police or duly authorized persons of arms of any kind within the municipality. There is no mention of "walking sticks" in either by-law.

Seven hundred and nineteen convictions were obtained by the police during the past three years in Mombasa. There are no comparable figures for Nairobi except during the past 12 months, when a total of 19 convictions were obtained.

(b) The convictions in Mombasa were all in respect of Africans, as the relevant by-law refers to Africans only. In Nairobi the breakdown is 16 Africans and three Asians.

QUESTION No. 40

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Local Government, Health and Town Planning:—

(a) The number of convictions obtained by the Mombasa Municipal Board against unlicensed food vendors during the years 1956, 1957 and 1958?

(b) The date on which the Public Health Ordinance governing the above offence was brought into effect?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): (a) 196 unlicensed food vendors in Mombasa were convicted in 1956, 290 in 1957 and 312 (up to 25th October) in 1958.

[The Minister for Local Government, Health and Town Planning]

(b) The convictions were obtained under the Mombasa Municipal By-laws, the operative section of which has been in force since 1935. They were not obtained under the Public Health Ordinance.

QUESTION No. 49

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Local Government, Health and Town Planning is it a fact that Government is considering the introduction of religious segregation at the Coast Province General Hospital? If so, why?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock) No, Sir.

QUESTION No. 58

MR. USHER, on behalf of Mr. Khamisi, asked the Minister for Local Government, Health and Town Planning when, and how soon, is the land in the mainland north of Mombasa going to be acquired by Government for the proposed industrial re-pooling scheme?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): The question of the alternative methods of bringing non-rail served land into development for industrial purposes at Changamwe is being examined jointly by Government and the Municipal Board. No decision has yet been reached. But I can assure the hon. Member that land would not have to be acquired to enable a scheme of re-pooling for industrial development to take place.

BILL

REPORT AND THIRD READING
The Control of Neis (Nyanza Province) Bill

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Control of Neis (Nyanza Province) Bill and has approved the same with amendments.

Sir, I beg to move that the Control of Neis (Nyanza Province) Bill be now read a Third Time.

MR. WENA seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

CONTROL OF AFRICAN VAGRANT CHILDREN

Resumption of debate interrupted on 14th November, 1958.

MR. TVSON: The Motion before us, Mr. Speaker, asks Government to intensify measures for the control and care of these vagrant African children in Nairobi, but I think Government have been very lax, particularly the Labour Department, in dealing with this matter over a long period. If Members will refer to the Probation Service and Approved Schools Annual Reports for 1957 they will see there: "If juveniles aged 14 to 16 years could be employed, the incidence of juvenile delinquency would drop. The law as it stands is too rigid and it is suggested that powers be given to the Minister enabling him to make rules specifying certain industrial undertakings which may employ children in the 14-16 age group". The position today, Sir, is that large numbers of these boys of 14 and upwards have finished schooling, particularly in the Kiambu area, drift into Nairobi firstly in order to obtain food, or as an alternative to obtain work in order to buy food. We have heard from my colleagues here, the hon. Mrs. Getagag, of the hardship on the womenfolk (in the Kiambu area, for example) who are unable to keep these children and therefore, these children drift into Nairobi to obtain either food or to obtain employment.

Now, in London and other big cities, for many years, boys of 14 have left school and have gone out to employment, to offices as office boys, and to factories, and so on. But we have had, on the Probation Case Committee in Nairobi, considerable difficulty in persuading the Labour Department to allow these boys to come into Nairobi and to obtain employment. Now, as long ago as 1956, a committee of the Probation

[Mr. Tyson]
Committee of Nairobi, consisting of Mr Calderwood, the Chairman, the City African Affairs Officer, and the Inspector of Schools visited the Labour Commissioner and interviewed officers from the Labour Department together with the District Commissioner, and discussed this question of juvenile employment at the age of 14 years. The Labour Commissioner this is the minute which we had

The Labour Commissioner said he could not agree to ask for the law to be amended, and in the circumstances, nothing further could be done. I submit, Sir, that a good deal of this vagrancy to which the hon. Member has referred in his Motion, arises from the fact that we prevent these youngsters of 14, 15 and 16 from obtaining legitimate employment in Nairobi. I do suggest, Sir, that something should be done to enable these boys who come into Nairobi to obtain employment in addition to this proposal regarding identification.

There are, I think, plenty of avenues of employment for boys of 14, 15 and 16 in Nairobi, and it does seem to me to be unfair that the Labour Department should be so obstructive as they have been over this matter which results, as we know and we can see from the statistics, in a good deal of juvenile delinquency.

Sir, I support the Motion by Mr Slade.

AIR COMMODORE HOWARD-WILLIAMS:
Mr. Speaker, Sir, I would like to support the last speaker.

Vagrancy among children leads to prostitution and to the creation of crime and criminals. In Great Britain, this is largely handled by the police and by voluntary bodies, such as the Salvation Army and the Catholic missions among many others, bodies that, incidentally, do a very fine job.

The question arises here as to whether there is enough money, both in the police and in these bodies, to enable them to do the job. In that this problem starts with the police, I would like to ask whether this is admittedly within their compass. If so, why are they not able to attend to it; do they need more European men and women? If not, then there might be a case for a city police force, although I personally must prefer that our police

should come under one chief. The prosecution of crime by juveniles in this fine City of Nairobi merits, surely, immediate action. That it will cost less to stop the rot than to cure it is noteworthy. As I see it, a mere handful of specially trained European police men and women, preferably in multi, would soon stop the rot. That they would work hand in glove with those charitable organizations to which I have referred is fairly obvious. For their part, they have only to clean up the city to earn our gratitude and our money on flag days. I favour some such positive action rather than calling upon parents who may not be available, who may not even exist, and who may even be in the rackets themselves.

We Europeans have a duty to do here, one that will command the respect of the Africans whom we are supposed to lead, most notably the women. I suggest, Sir, that we must do that duty.

I beg to support

MR. TRAVADI: Mr. Speaker, Sir, this problem of African vagrancy has really proved a nuisance, particularly in all the big towns. It is the result, I should say, of the Emergency and *Mau Mau*, and has got to be tackled very carefully.

The one suggestion that is here made of identification, something like registration, politically thinking it would be considered as a badge of slavery and would be very much resented. The Police or the Prisons Department would have to increase their staff—either to lock them up in the prisons or in some way to increase their staff. That suggestion does not appeal to me at all. Moreover, sending them back to the reserves, to the African district councils, unless there are health centres such as the Dr. Barnado's Homes, I do not think it would be of any use to them. My one suggestion is here, why does the Education Department not take upon itself to apply the provisions of compulsory education to these children and thus practically or partially solve the problem? I know the money market is very tight as far as that Department is concerned, and one of the objections could be that many more children would flock from the nearby reserves, but if we prevent the disease from growing much worse, I should say it is better to cure it from the very beginning.

[Mr. Travadi]

Mr. Speaker, Sir, I have nothing much to say, although I support it, no doubt, but I think, it is one of the greatest difficulties we could get into. I do know that the Official and the Unofficial sides both welcome this Motion and I would like to join hands with those who do.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I very much regret that when this debate started on Friday, I was absent; I had an unavoidable engagement to open the Agricultural Show in North Nyanza.

Now, Sir, it seemed to me, reading HANSARD and listening to the debate to-day, that perhaps some hon. Members are not quite clear as to the procedure which is being adopted to deal with these vagrant children. If Sir, I may just explain what this procedure is: most of the children, the vagrants, in Nairobi come from the Central Province and the probation officers, administration and the police bring them, when they are found, to the district commissioner and they are then sent to reception centres in the Central Province of which we have three, established at Kiambu, at Nyeri and at Fort Hall.

The juveniles are held at these reception centres while their family circumstances are being fully investigated. Their circumstances having been investigated, the community development officer and the administrative officer there decide whether in fact such children can be sent back to their parents or whether they are a particularly hardened type and as such, should be sent to some institute, such as Wamumu for care and training.

We are also trying an experiment by which these boys are given a short course at Wamumu and are then sent back to their reserves where they are attached to a youth club. Now that is the procedure for dealing with the majority of these vagrants, and I claim that it is working fairly successfully.

The number of repatriations of children from Nairobi in 1956 was 3,547, last year, 3,010; and an estimated number of approximately 2,000 this year. So in fact, Sir, I claim that the problem is being dealt with and we are getting results.

Sir, I believe that the hon. and gracious lady, the Member for Uasin Gishu, said that Wamumu was being run down, and she wondered whether this was a wise thing to do. May I remind hon. Members, Sir, that Wamumu was set up to deal with a peculiar set of circumstances; it was set up to deal with the juvenile *Mau Mau* thugs, and the juvenile terrorists in the forest, and very well indeed, it did that particular job. We were able, in quite a short space of time, to release and to find employment for the majority of those juvenile *Mau Mau* thugs. When, of course, Wamumu started running down in that particular category, we used it as well as an approved school, and we put into Wamumu some 300 boys. Latterly, we have had the new approved school set up at Mweri in the South Tetu division of Nyeri to which those boys have been transferred.

During that time, Wamumu's character again changed because it became an Approved Institute for boys in need of care and protection.

I am afraid that so good were the facilities for training boys at Wamumu that a great many parents who could perfectly well afford to look after them in the reserve took advantage of Wamumu and looked upon it, as I think I have said before in this House, as the Eton of East Africa. Well, Sir, I claim it is entirely wrong that an institute that has been set up to deal with persons in need of care and protection, and supported by Government, should have to cope in fact with a large number of children who were from prosperous homes, and Government was therefore incurring a large expenditure, which it had no reason to do.

Turning now, Sir, to youth clubs: we have in the Central Province an experiment of a series of youth clubs which number now, I think, about 45.

We think that youth clubs will be a very potent factor in reducing juvenile crime and in reducing the number of vagrant children in Nairobi and in the urban centres. I expect that some hon. Members have already seen these youth clubs and know what they do. Basically they teach certain rather elementary forms of handicrafts, but they also teach better agriculture. It is of course necessary when setting up youth clubs to see

[The Minister for African Affairs] that there is a certain amount of control and supervision, and Wamumu is being used to train club leaders.

It is also necessary to have supervision in the districts, and we are proposing a scheme by which we can expand these youth clubs, which I think are past the experimental stage now, not only to other provinces, such as Nyanza, but also into the urban areas.

Sir, I have touched on approved schools and I have said that we now have three, one Emergency and two permanent approved schools. At the moment those schools are full and boys can only be admitted when vacancies occur. There is, therefore, clearly a need for perhaps a further approved school or better still a Borstal for the older boys.

Finally, Sir, in an attempt to make parents recognize their responsibilities in certain areas of the Central Province we have taken some prosecutions against them in particularly bad cases under the Prevention of Cruelty to and Neglect of Children Ordinance. That, I hope, is beginning to show its effect.

The Administration and the Communities Development Department have also taken particular pains to interest the African district councils in this problem and to try to make them see that eventually they will have to play a bigger part, both financially and in the execution of this idea. But it has been difficult at the moment because a lot of this juvenile crime and juvenile vagrancy has been the result of broken homes under the Emergency and we feel that it has been the Government's responsibility up until now, at any rate, to take the major part in dealing with the problem.

I hope, Sir, that I have covered most of the points which were made in the debate and I beg to support the Motion in principle.

MR. NAZARETH: Mr. Speaker, I had not intended to speak in this debate, but an observation which was made by my hon. and learned friend the Member for the Central Area, Mr. Travadi, compels me to say a few words.

I should not like it to be taken that the view that he has expressed, when he said that the identification of habitual vagrants would be taken as a badge of

slavery, is a view that prevails among his colleagues. I think that I am correct in saying that his colleagues would support this Motion which seems, in fact, to have been accepted by the Government.

The only other thing I would like to say is that I would like to take this opportunity of paying tribute to the continuous interest and the sustained work that the hon. Member has continuously given to this subject, and the fine work that he has done for the welfare of children.

Mr. Speaker, I beg to support.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, it has been indicated, Sir, that the Government will accept this Motion in principle. But there are one or two matters which I want to clarify so that hon. Members realize on what conditions the Government is accepting this Motion. There is also a small amendment which I wish to move later.

First of all, Sir, the word "requiring", in the latter part of the Motion, which reads— "... by providing for identification of habitual vagrants, and by requiring parents and African district councils to accept their respective responsibilities for such control and care". As I see in my dictionary, Sir, the word "requiring" has two interpretations: one is requesting, and the other is demanding. I am accepting the Motion, Sir, on the basis of, at the moment, requesting; later the question of demand may come into it, but as I have stated before in this House, Sir, I am not prepared to impose on local authorities responsibilities of this sort which I know they cannot afford. So therefore, Sir, it should be requesting; and in that regard it should be made clear that a number of African district councils, especially those at Kiambu, Nyeri and Meru, have actually volunteered to undertake the responsibility for child welfare; and we hope that the others will be able to do so as well. But, Sir, I repeat that some of them are by no means well off.

Sir, the other point is in regard to the intensifying of measures of identification. I am not speaking now of the principle of identification, whether it is right or wrong, but this might lead to

[The Minister for Local Government, Health and Town Planning] very considerable expenditure and, therefore, the Government accepts this Motion only with the reserve or reservation that the expenditure necessary is within the Government means.

Now, Sir, if I may go on to one or two other points raised by hon. Members in this debate, the hon. Specially Elected Member, Mr. Slade, said—and I hope he will correct me if I am wrong—that according to his information 839 children passed through the courts in the past eight months. Well, that is not correct.

MR. SLADE: I am sorry. It was not the last eight months—it was October, 1957, to May, 1958.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I do not think he will find that that is so, because very few are passing through the courts. Most of them, I think—and the figures at the moment are running at about 135 per month—are going through under the Emergency Regulations for administrative action. The actual numbers in the courts, I am informed, is in the region of four or five a month under the Vagrancy Ordinance.

He also said, Sir, and he stressed this, very rightly, as the Motion states, that parents should have their responsibilities brought to their notice very seriously and he, in fact, suggested that they should be prosecuted. My hon. colleague the Minister for African Affairs stated that some had been prosecuted; and I merely wish to add that we have checked again the provisions of the Ordinance. There seems to be no snag with regard to the legal aspects and I will certainly go into the matter of tightening up and being rather more tough with regard to prosecutions of parents. I believe myself that the basic need is for the parents to be educated in their responsibilities; and that is certainly the basis of the policy of the Government that, where possible, the parents must take the responsibility and not the institutions and societies, although the latter, of course, are always there to help.

With regard to identification, I understand that on first conviction under the Vagrancy Ordinance, the first conviction is not looked upon as a criminal offence; and therefore identification by finger-

prints cannot be used by the police. On the second subsequent offence that can be so done. It is then looked upon as a criminal offence. But as has been stated by the hon. Minister for African Affairs, it is very difficult to know where to put the children without the provision of further accommodation and the lack of that accommodation is due entirely to the lack of money in the Government.

The hon. and gracious lady, the Member for Uasin Gishu, raised a number of points. She asked how many of the children who were picked up actually lived in Nairobi. I think that probably she felt that a number of them were picked up and sent away although their parents were actually in Nairobi. We checked on that point and as far as one can see a very, very small proportion indeed have parents living in Nairobi.

She also asked about the expense of sending children back. She asked whether that expense was borne by the African district council concerned or by the Government. The answer is that the Government pays. If there is a factor of deterrence in this it would be that if the African district council had to pay they might be more interested in the matter. That is quite a point. But first of all it would not be so easy to collect the money; secondly, as I have said before, they have not got the money; and thirdly, the basic responsibility is still that of the parents. We feel, at the moment, that it is better for the Government to pay the expenses of returning them to their districts than for these children to be sent to the African district councils to accept the responsibility. I would rather use the deterrent against the parent through the Ordinance and convictions than against the African district councils at the moment.

The hon. Minister for African Affairs dealt with Wamumu, and I think those were the main points which were brought out by the hon. Member for Uasin Gishu, apart from the question of receivers which was also dealt with by the hon. Attorney-General.

Now, Sir, the hon. Member for the Coast said that he felt there was a considerable apathy in the country about this problem and I entirely agree with him; and, in fact, when he was speaking —this was on Friday, I think—I do not

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I think there were more than five hon. Members opposite in the Benches. I felt that, as he was saying that, proved to some extent the extent of the apathy. I only hope that all hon. Members will help the Government to stimulate people to recognize this very difficult problem which is not only one of money but which is also one of preparedness to help, to give up time to help these unfortunate children.

He also said, I think that he thought that in this sphere there would be an excellent opportunity for leadership by young Kenyans; and again I support his remarks and hope that those hon. Members who feel they lead young Kenyans should note that remark. There is nothing better to my mind, and there is nothing more valuable, than social work being performed by leaders of any community, and one must express one's disappointment at the absence of the leaders of the African community in this Chamber whilst this very important subject is being debated.

Now, Sir, the hon. Nominated Member Mr. Waweru mentioned, I think, that he thought that the Kiambu African District Council had passed by-laws to restrict movement and he thought that would be quite a good thing. I do not find that such a by-law has been passed, nor do I think it would be practicable if it were. It is not the sort of power that an African district council should wield in any case.

Then he said that he thought that more money should be made available to youth clubs so that further staff could be taken on and more of the excellent work that is being done by those clubs could be promoted. Unfortunately, Sir, we come back to money again; and I am afraid I will have to remind the hon. Specially Elected Member, the Mover of this Motion, of his own words in a previous debate where he put the priorities for social welfare at the bottom of his list. I do not accept that position, but he did that himself.

The hon. Mrs. Gecaga, Sir, said that children go to Nairobi to get food and indicated that the situation in the reserves nearby Nairobi, especially Kiambu, was such that children had to go—that they

had no food where they were—to Nairobi to get food and earn money. I would not like hon. Members to think that the situation in Kiambu is as bad as that because it is not. It has very greatly improved in the last year or so. All the reports coming in, both through my Ministry and through the Medical Department, show that the nutritional aspects concerning children in that area is very, very much better; and that of course is due greatly to Government help, through the Red Cross, and because the whole economy of that area has been stepped up. I would not therefore like it thought that it is only because they want food that children come to Nairobi. That is not the case. In fact, most of the children that are picked up and sorted out, even when they have been in Nairobi only a couple of days, are well fed. I think on the whole they come for the attraction of the lights of the city and so on, and of course because of the lack of parental control.

Then, Sir, he also touched on voluntary organizations and paid tribute to the work being done. Some little time ago the African Welfare Society was formed and it operates in the county council area round Nairobi. My information is that it has done extremely good work. It has collected quite a lot of funds, it has a number of Africans volunteering to join in the work on different social welfare aspects, and in fact it is becoming a real success. I would merely like to appeal again to absent friends possibly to help in setting up a similar society in the city where the problem is so much greater. I am only trying to point this out, that where people do take the initiative and do give up some of their time, as they have done in the county council area, success can follow, and I am certain that that is one of the methods in which we can try and solve this problem. If any help is needed by way of advice or anything else from Government in setting up such a society the help will always be there, and I would welcome discussions with anybody interested in initiating such a scheme.

The hon. Specially Elected Member, Mr. Muchura, said he did not think it was true to suggest that the Africans did not realize the magnitude of the problem, and I think he quoted the African Ward

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Council of the City of Nairobi, where this problem has been discussed. All I would say to him, Sir, is that there are too few who realize the magnitude of the problem or who care about it. Maybe they realize it but they do not seem to care much about it, and I would ask him to use his influence—and I know he has much in the city—to keep on pressing people to volunteer and also ask the general Ward Council to go on pressing on this matter with the local authority concerned. I will also use my influence in that regard.

He also brought up, Sir, an important point that should be stressed and one to which I am afraid there is no solution. He said that parental control is so often lacking because the parents are uneducated whilst the children are educated and therefore they tend to look down on and despise their parents. That is a phase through which we are passing to which I can see little hope of solution, but it is true and it is a good thing to realize that in this country at this time we are not the same as in the United Kingdom, as was mentioned by the hon. Member for Nairobi North. It is a very different problem indeed.

Now, Sir, the hon. Nominated Member, Mr. Rubia, said that he thought that beer halls in the African estates provided very bad examples for children and a lot of what went on was due to their bad example. All I can say, Sir—he admitted that he was not a beer drinker himself—is that it is difficult to stop people drinking beer, and I think that it is better that they should drink beer in organized and pleasant surroundings than that they should do so on a hole-in-the-corner basis. I have made enquiries, since the hon. Member made that remark, and I can find no cause for alarm in the matter of drunkenness in beer halls in the African estates; in fact, I think it is right to confirm that they are well managed and most of the people who use them are well behaved.

The hon. Nominated Member, Mr. Tyson, Sir, mentioned the employment of children between the age of 14 and 16, and I am very grateful to him for bringing this point up. I will consult my colleague, the hon. Minister for Education, Labour and Lands, on this matter

to see whether we cannot get it altered, because I am sure in proper approved employment this might help to solve the problem to some extent.

The hon. Member for Nairobi North said that a handful of specially trained police would be able to stop the rot, and that the problem starts with the police, and that positive action is better than calling on the parents. Sir, first of all, it does not of course—it may start with the police, but it certainly does not end with it, and it is not only the police; the main task in this regard rests with the inspectors of children, probation officers, and they are doing their very best to try to meet the problem. In fact, the problem of child delinquency is borne much more by inspectors of children than by the police. When I say that that is only where the problem starts, it is, because once we have picked them up and sorted them out, what happens then? There is considerable expenditure in providing a place for them, either at a cost to the parents, or in some institution. That is our real problem, what to do with them once we have got them, not the getting of them.

Now the other point, Sir, is that he said that positive action of this sort is better rather than putting the responsibility on the parents. I am afraid I completely disagree with him. I repeat what I said earlier on. The root of the whole of this problem is lack of parental control and lack of proper family life, which the hon. Director for Medical Services made very clear when he spoke on Friday, and that is the long-term policy which is, to my mind, the only real lasting solution, to see that a proper family life is established and parental control also.

I do not think, Sir, I need to dwell on the slight difference of opinion that was expressed by the hon. Asian Members for the Central Area on the one hand, and the Western Area on the other, as regards identification, except to say that to my mind problems of this sort cannot be solved without a sufficient form of identification. It is not so easy, with young people of this sort, to identify them even in the way that the hon. Member for Central Area thought that we were considering. Cards are very easily changed, or lost, and especially young people are inclined to tell "whoppers"

[The Minister for Local Government Health and Town Planning] about where they come from, who they are, and so on.

With regard to education, of course the Government fully realizes that if a university education could be provided for all the children in Nairobi, it would very greatly help this problem, by keeping them out of mischief, but once again it comes back to money, and I can assure the hon. Member that the Government is not being idle in this regard. Every possible source of money and plan for what he would require is being thought out. I am also very glad that he appreciates that there is a very big problem which is the one that scares the City Council of Nairobi from taking more quick action on this, and that is the attraction of children from outside to Nairobi if there were a universal education in Nairobi, and it is a very difficult one to solve.

With regard to the actual wording of the question, it does pinpoint the African district councils as being required to accept their respective responsibilities, and I would, Sir, submit that it is not only the African district councils; there are other local authorities who also should be requested to accept their respective responsibilities. I would like therefore, Sir, to move an amendment to this Motion, to read as follows: "That the words 'African district councils' be deleted and in place thereof the words 'local authorities concerned' be inserted. Sir, I beg to move.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): It has been proposed that the Motion which appears on the Order Paper should read as follows: That the words "African district councils" which appears on the sixth and seventh lines be left out of the Motion and that there be inserted therefor the words "local authorities concerned". That means that the second part of the Motion as amended will read as follows: "by providing for identification of habitual vagrants, and by requiring parents and the local authorities concerned to accept their respective responsibilities for such control and care". The Motion as amended is before the Council and I rule under Standing Order No. 62 that the matter in the amendment is not conveniently inseparable from the matter

in the Motion. This means, of course, that if anybody speaks to the amendment they are speaking to the original Motion. Does any hon. Member wish to speak? Then I will ask the Mover to reply, and after he has replied I will propose the Motion.

MR. SLADE: Mr. Speaker, Sir, I very much appreciate the deep and widespread interest that has been shown in this problem by Members of this Council. I think it goes a long way to dispel the fear of apathy that was amongst some of us before the Motion started, and I say that in spite of the fact that there were so few people sitting on this side at one stage when the Motion began. I think people have to be given a certain amount of latitude on a Friday morning, particularly when it is past coffee time and they have been sitting in on another Motion.

The Minister for Health and Local Government as well as the Minister for African Affairs have really answered a great many of the points made in this debate, and I need only refer to one or two of them. There is one I should like to clear the way on at the outset. The hon. Minister for Housing drew specific attention to the terms of this Motion which refers to African children, the problem of vagrant African children, and he pointed out what a discredit it was to his race that this should be a problem confined apparently to African children. Well, in fairness to him and to his race, I wanted to make it quite clear that all other races of this Colony have their children also in need of care in plenty, of whom each community must be proportionately ashamed. It is only this particular problem of vagrancy, I think, which is a peculiarity of the African people. We have our other troubles with children of the other races.

Now, Sir, I was very glad when several Members, particularly I think the hon. Member for Usin Gishu, and two hon. Nominated Members, emphasized the responsibility in this matter of local authorities in the place where these children live, as opposed to the place where the children are found wandering about. I think there is no doubt—it is quite clear really from what the Ministers have said—that the ultimate responsibility for children rests with the

[Mr. Slade] local authority in the place where they belong, the place of their home. That is where the children must be brought back as soon as possible and that is where the responsibility must be brought back as soon as possible. Incidentally, Sir, I may say that I agree very readily with the amendment which enlarges the local authority to which the Motion refers. I was wrong in limiting it to African district councils alone.

Then, Sir, the hon. Member for Usin Gishu did raise this important question of the children who actually belong to Nairobi who are neglected. The Minister for Health and Local Government told us that very few of them are among the vagrants. Nevertheless I know there are very many children in Nairobi who are in need of care, and although they are a different problem from that actually raised by this Motion I would emphasize once again what the Minister put so clearly. Our ultimate dependence, whether we are voluntary organizations or Government officers, is on the help of the public and of the particular community of the public concerned in dealing with such children. We cannot go and find them for ourselves. We do not know where to find them; they are hidden away. It must be the community themselves and their leaders who helps us in this matter, by arousing the public conscience of their own people, and by setting an example of interest in social welfare.

Sir, several hon. Members, particularly the Director of Medical Services, and also the Member for the Coast and more than one hon. Nominated Member, discussed what I would call the long-term solution of our problems, the whole question of educating parents in their responsibilities. That, of course, is the real solution, and it was very encouraging to hear what the hon. Director of Medical Services had to tell us; and I agree in particular also with what the hon. Member for the Coast said about encouraging young leaders of each community to take an interest in social welfare. I am glad to be able to tell him that I have reason to believe that this is just on the way, in the European community anyhow.

I agree also with the hon. Nominated Member who spoke on the value of youth clubs in African areas—I have been lucky enough to see one or two of them in action; and young development though it is, it has proved itself quite obviously already, and I think they are a great inspiration, and of particular interest because they are so much supported and encouraged by the voluntary effort of the local people themselves.

Those are, as I said, long-term solutions; but the immediate problem we are facing in this Motion calls for a short-term solution, a check to a disease that is already there, while we are rightly devising preventive measures against the future. Some hon. Members have offered solutions to this, some short-term solutions or comparatively short-term solutions, and I think amongst those should be classed the suggestion made by the hon. Nominated Member, Mr. Tyson, that we should try to absorb some of these children by employment at an earlier stage. I am sure in principle he is quite right in that, with two qualifications; one, as the Minister said, it must be approved employment, not just any employment. Another qualification to my mind is that it must be confined to children who are already belonging to that area. It would help enormously, I think, if the children of Nairobi, with homes in Nairobi, who are not at school, could be employed in Nairobi at an earlier age, but I think it would only make our troubles worse if children were encouraged to come from outside into Nairobi for employment at an early age. That would aggravate the trouble, because it would add to the attractions in Nairobi which are already too great for these children whom we do not want to come from outside.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, on a point of explanation I would merely say, I meant to say "approved employment and approved employers".

MR. SLADE: With which I entirely agree, Mr. Speaker. I think the same argument applies to this question of compulsory education which was offered by the hon. Member for Central Area. He did argue that compulsory employment would be the best answer, but I think he

[Mr. Slade] acknowledges at the same time it would tend to attract children from outside, and that is the difficulty that I see. One cannot afford in present circumstances to make Nairobi more attractive to small children from rural areas than it is already.

Compulsory education for those that belong to Nairobi, again, is another question.

I was going to comment—I think I should still comment on what the hon. Member for Nairobi North said, in spite of the Minister having already answered him. It is certainly not a problem of which one complains that the police are not handling it properly. I think they are completely competent in what they do, but they cannot stop this vicious circle. They can return children to their homes as often as they like, but they cannot see that they stay there. It is seeing that they stay there which is the purpose of this Motion, not just having them in continual circulation.

I was grateful, Sir, to the Minister for African Affairs for the very clear description that he gave us of the general procedure for these children with which I am already acquainted, but—I think he is right—with which Members of the Council generally were not acquainted, and I should have described it in greater detail when I moved this Motion. It is I am sure the right procedure, this procedure of returning children as quickly as possible to reception centres within their own areas, and then sorting them out, and if possible sorting them out into categories of those who can return to their homes with the hope of staying there and those who are so intractable they have got to go somewhere else; and I really think on further consideration that that is where this problem of identification may be solved. It may be very difficult for people in Nairobi picking up vagrants, to identify them as children they have handled before. I do not think that matters very much, if a child is identified as soon as it gets back to the reception centre, and is known there to have been an habitual offender. That should be comparatively easy, identification at the reception centre, but possibly, I would suggest, in spite of the figures which the Minister has given us, that it may not be very effective at present. It

may be that there is not enough concentration at the reception centres on this importance of identification of this second and third offender, for the main purpose of sorting out, as he himself described, the sorting out between the incorrigibles and the others.

I do welcome what the Minister for African Affairs told us about prosecution of neglectful parents. I would only suggest this could go a stage further, whether under the existing law or under an amendment to the law, and the parent could be made to feel the cost of escorting these children back home from Nairobi or elsewhere. It has been suggested that this should be put upon the local authority, and that might be justified where the local authority has accepted responsibility anyhow, but it would be better still if the parents could be made to feel the actual sting of cost. It arises in cases where there would not necessarily be justification to prosecute for cruelty or neglect. A parent who takes too little care of the child to stop it running away to town is not necessarily guilty of criminal neglect, but yet I would suggest would take more care if he was likely to have to pay for the return journey.

I have appreciated everything the Minister for Health and Local Government had to say in answer to this Motion. There was one point which is curious on this question of identification. I doubt myself whether fingerprints are the right method for this purpose, but he did suggest that you cannot fingerprint these children the first time they are convicted because that does not rate as a criminal offence, but Mr. Speaker, I have been fingerprinted without having committed a criminal offence at all, and I think that under the law of registration anybody can be. I do not see why these little children should not suffer the same indignity that I suffered; if it is indeed an indignity.

The last point, Sir, that I have to make is on this rather important question of expense. The Minister quite justifiably referred exactly to what I had said myself in another debate on the priority of expenditure, particularly at the present time. I did, in speaking to the address from the throne, acknowledge that by and large further expenditure must have in the priorities social welfare: at the

[Mr. Slade] at the bottom of the list; but I did, Sir, in the same breath make some qualifications, to the effect that that did not mean to say false economies in social welfare or anywhere else, and particularly pointed out how a cut in the probation services, for instance, which resulted in more people going to prison would be false economy. It would cost us more to keep those people in prison than to maintain our probation services. There, I think, is another example, that a little money well spent here on more intensified activity on the lines on which Government is already working—not on new lines—would save a good deal of wasted expense in the handling of these vagrant children and returning them to their homes. I beg to support.

The question that the words proposed to be left out be left out was put and carried.

The question that the words proposed to be inserted in place thereof was put and carried.

The question of the Motion as amended was put and carried.

MOTION

IMMIGRATION ON NON-RACIAL BASIS

MR. ALEXANDER: Mr. Speaker, Sir, I beg to move that this Council urges Government to undertake a study of the Immigration Ordinance, 1956, with the object of introducing amending legislation to place the Ordinance on a non-racial basis.

Mr. Speaker, when I gave notice of this Motion on 4th November and before His Excellency's address, it was received by the African Elected Members with applause. Hon. Members will remember that after I had given notice there was a distinct applauding rumble from this side of the House on these Benches. All 14 of the African Elected Members were in the House at the time. It was indeed encouraging to have this support at the outset from fellow Africans and from fellow Kenyans. That support has been one of the few signs, Mr. Speaker, since the present Elected Members arrived here, that we can speak with one voice on certain subjects. I am therefore greatly, very greatly disappointed that the African Elected Members are not here today to support

this Motion fully with their usual prolific and repetitive eloquence. It is homely at least to see one red fox on this side and a few of my African friends on the other side who will, I am sure, very ably speak for their colleagues in their enforced absence. But in their absence, I must presume to speak for them as a fellow African and to assure hon. Members that their spontaneous approval of the notice of this Motion was well placed and genuine. Without the help of the African Elected Members, it is, nevertheless, still consoling and encouraging to me to have as seconder of this Motion a tribesman from the Asian community, who belongs himself, naturally and of right, to this country. I refer, Sir, to my hon. friend on my left here who will enter the ring after I sit down.

Now, Sir, the principal involved in this Motion is a simple one, a perfectly simple issue. I do most earnestly hope that we will not have a debate on all the detailed workings and minute criticisms of the Immigration Ordinance. I do sincerely hope, too, that we shall not have a debate on the general policy of immigration and of the administrative machine in relation to those who come into this Colony from overseas. The principle I seek to establish in this Motion is that all Kenyans—all of whatever race, whose only home is in Kenya, should all be treated in the same way in connexion with the Immigration Ordinance.

At the moment, this principle is defeated in the present Ordinance. Clause 1, sub-section (2), of the present Ordinance removes its application to Africans. Clause 2, that is the interpretation clause, defines the word "African"—and I quote—"any person who is a member of an African tribe indigenous to Kenya, Tanganyika, Uganda or Zanzibar and a Swahili but does not include a Somali". The operative word, Sir, in that definition is "indigenous". The Oxford Dictionary describes the word as "belonging naturally". Mr. Speaker, I, and all those like me, belong naturally to Kenya, and Kenya belongs naturally to us; and all those like us, who are an integral and permanent part of Kenya. This country is our home just as much as it is the home of the Africans, and we are all of us entitled to be treated

[Mr. Alexander] and regarded as Kenyans, for the purpose of this Ordinance or any other Ordinance.

The First Schedule to the Ordinance describes the type of persons who might conveniently be regarded as Kenyans, and I suggest the use of this list, or one like it, for purposes of identifying the word "Kenyan" in the context of the principle that I seek to establish in this Motion.

Hon. Members who have looked at that list will see that the types of residents are classified in terms of the period of time they have been here, and for the purposes of this Motion I would suggest that that list is as good as any I have seen to describe what I mean by the word "Kenyan".

Sir, there are three words in constant and regular use that require clarification when applied to Kenya, and this particular Motion is a convenient opportunity for dealing with them. I refer to the words "settler", "immigrant" and "indigenous". The enemies of Kenya, both here (and there are plenty here) and overseas, have largely succeeded in debating the nobly adventurous meaning of the word "settler". The fact of the matter is that all of us, irrespective of race, who have made our homes in Kenya are settlers, and are entitled to be known by the very worthy designation of Kenyan. The word "immigrant" is normally intended to refer to non-Africans; the word "indigenous" is normally intended to refer to Africans, that is, those with black skins. The facts of the matter are that human history in Kenya is of such recent origin that we are all immigrants, including the Africans. Moreover, in terms of modern progress, in terms of achievement, Kenya was, apart from the strip at the coast, a dead land only 60 years ago. Surely, surely all those who have pioneered this land, all those who have helped together to make this country, are entitled to be treated as belonging here.

The word "indigenous" in all good sense, and in fairness, must mean all those long established in Kenya. Mr. Speaker, the sooner the peoples of Kenya—and others—realize that it is as Kenyans that we must deal and negotiate with one another, the sooner we will begin to provide Kenyan solutions, in

this land of ours, Kenya, to all our problems.

I beg to move.

MR. PANDYA: Mr. Speaker, Sir, I rise to second the Motion moved by my fellow Kenyan, the hon. Member for Nairobi West. He has, Sir, in very clear and, as usual, forceful, terms, asked that this legislation be placed on a non-racial basis. I do congratulate him on the very able manner in which he has done so.

He has, Sir, referred to the relevant sections in the Immigration Ordinance, 1956, sections 1 and 2, and he has quoted the relevant words from these sections. I do not propose to go into them in any great detail, but I do want to emphasize one or two arguments that he has put forward this afternoon, and to make Members appreciate the main purpose of this Motion.

Many of us indeed I say, Sir, most of us—have ceased to belong to immigrant races, except in origin from the land of our forefathers, and have, by our birth and length of stay in this country acquired the status of being able to call ourselves Africans. By our devotion by our initiative and enterprise in various walks of life, we have contributed to the benefit generally, and to the well-being, of all the inhabitants and indeed of the Colony as a whole. We have earned by our example the right to be treated as indigenous and as the sons of the soil.

The Government has recognized this fact from time to time in many other walks of life and yet it is surprising that they have brought in this differentiation on a racial basis in this Ordinance. It is to put this matter in its proper perspective that the Motion is asking the Government to undertake the study of this Ordinance. In other respects, on the face of it, the Ordinance has been drafted in a manner which suggests its non-racial character. Indeed nowhere in its language does it suggest that it applies to one community and does not apply to another, except in that case which has been pointed out, when it says it does not apply to the Africans.

Mr. Speaker, Sir, I feel we should now cease to be called the people of immigrant races, and this anomaly should be recognized as soon as possible and

[Mr. Pandya] put right. A solution on the lines suggested by the hon. Mover, that those persons entitled to a resident's certificate be added to the definition of "African", would meet the matter to a considerable extent.

Well, Sir, I do not wish to go into much detail as to the minute workings of the general policy of immigration, but I do feel, Sir, that it is important that we should endeavour to see that not only in the letter but in the spirit and intention should this Ordinance be implemented, the spirit of applying it on a non-racial basis. It is generally felt, and indeed has often been alleged, by the Asian community, that there is a differentiation in the issue of entry permits, in the issue of temporary employment passes, and dependents' passes; there is also the matter of visitors' passes. I would like to ask whether this is true, and if not, why is there such a feeling persisting among the people of the Asian community? The Chief Secretary, in the course of his reply, may prefer to clarify this matter by giving figures of the various permits granted since the Ordinance came into force, as between the different communities.

I feel, Sir, this will go a long way to remove doubt and suspicion and prove, if true, that there is no racial bias as between the different races.

The Ordinance gives very wide discretionary powers to the Principal Immigration Officer in the issue of such permits, and it is felt, Sir, that the powers enjoyed by a single person, which are very wide and discretionary, should be properly safeguarded, and should be the property of a Board, such as used to exist under the old Ordinance, so that there is confidence amongst the public that all the cases are really receiving proper consideration. It is better that more people should decide on particular aspects of the matter, on the merits of the case, than that a single person should have this responsibility.

I would like, Sir, to illustrate this point by referring to the debate on His Excellency the Governor's address, when it was made clear that there is a shortage of trained teachers in the Asian community. Under these circumstances, it would be desirable and in the interests of the inhabitants of this Colony, to

retain these trained teachers for a longer period than that allowed under the temporary employment pass. But what happens is that these people are forced to go back, which is not really in the educational interest and requirements of this country.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentley): Mr. Pandya, I am afraid that is rather wide of this Motion.

MR. PANDYA: I am sorry, Sir, I was just trying to illustrate these points.

May I, Sir, refer to the relevant matter of procedure for the issue of visitors' passes? I have found that the present method takes far too long; it takes two months to obtain a visitors' pass. I feel, Sir, that the policy should be to encourage visitors to this country and to make passes available to them with the least possible formalities.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentley): Mr. Pandya, I am afraid that is also getting right away from this Motion. You are debating the application of the Ordinance itself.

MR. PANDYA: In that case, Mr. Speaker, it seems that most of my arguments come under that category.

I would just like to say finally, as I have said, that not only should we have a non-racial application of the Ordinance in the letter but also in the spirit. I do urge Members of this House to support this Motion.

I beg to second.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, I thoroughly support this Motion and I need add only very little to what has been said by the hon. Mover and Second. But I would point out one further reason, at any rate, why this Ordinance must be amended, arising from the present racial provision.

The racial provision in this Ordinance, to which the hon. Mover has referred, is in section 1 (2), which says that this Ordinance shall not apply to any African. In all other respects, the Ordinance is already non-racial. Now, Sir, I think it will be seen that, quite apart from any other consideration, that is really making a nonsense of the Ordinance; because it is not only a question of whether or

[Mr. Slade] not you are going to give Africans, as defined by this Ordinance, the free run in and out of Kenya, but it is also a question of needing the help of Africans, just as much as that of other members of the public, in enforcing the provisions of this Ordinance. I refer, for instance, Sir, to section 4 (1) (b). Under that section, for the purpose of exercising the powers and functions and carrying out his duties under this Ordinance, any immigration officer may interrogate any person who desires to enter the Colony or any person whom he has reasonable ground for believing to be a prohibited immigrant, or any person whom he reasonably believes can give material information regarding any such persons aforesaid.

Well, Sir, this Ordinance does not apply to Africans, therefore Africans are excluded from interrogation, even though the immigration officer reasonably believes that they can give material information concerning a prohibited immigrant or person who desires to enter the Colony.

I will only give one other example. Sir, to show the rather ludicrous position under the law as it stands. Under section 4 (1) (e), the immigration officer, for the purpose of exercising his powers and functions and carrying out his duties, may require the master of a ship or the captain of an aircraft or the guard of a train or the person in charge of a vehicle, arriving from or leaving for any place outside the Colony, to furnish a list in duplicate, signed by him, of the names of the persons in the ship or aircraft or train or vehicle. But the Ordinance does not apply to Africans, Sir, so if it is an African guard on the train or an African person in charge of the vehicle, the Immigration officer is deprived of his list of passengers.

I need not say any more on this subject, Sir, except to suggest that there are probably a great many other instances where the purpose of the Ordinance is largely defeated, in its need of help from the public in general, by its exclusion of application to Africans.

Sir, there is another difficulty which, if it has not arisen now, will arise very soon, and that is in the definition of

African in section 2, to which the hon. Mover has referred. "African" means any person who is a member of an African tribe indigenous to Kenya, Tanganyika, etc. That is quite easy to decide with regard to people already in the Colony, but the trouble is going to arise very soon, Sir, when Africans born of parents who have been out of Kenya quite a long time want to come back to Kenya. Those are the ones whom one will have to look at more carefully; those are the ones to whom this Ordinance might particularly be applied if it were on a non-racial basis; and those are the ones to whom this definition may prove difficult to apply.

Take, for instance, an African who goes for a course of study in England and acquires a profession there and settles down, he marries a European woman or another African woman or an American negress. And they have children who want to come back to Kenya. Are they to be described as members of an African tribe indigenous to Kenya or not? We cannot have that difficulty facing us, Sir, in the near or even the remote future. I would suggest, as I think the hon. Mover has, that there is no need to exclude Africans from the applications of this Ordinance.

If we look at the First Schedule, which defines those persons entitled to a resident's certificate, I would suggest that it is equally applicable to Africans as to any others. Every African, even if this special exemption of Africans no longer applies, who is born in this country will qualify for a resident's certificate. Every African born in the Colony, whose mother was born in the Colony or was lawfully resident in the Colony, is entitled to a resident's certificate. That covers almost all Africans at the present day. Every African who would call himself local is entitled to a resident's certificate without special exemption.

And it is very easy for other Africans, even if they have been out of the Colony for a long time, to qualify for a resident's certificate under the First Schedule if they are of good character. I would suggest, Sir, that with Africans who have left this country or who are born of other Africans who have left this country, and then want to come back again, the question of whether or not they are of

[Mr. Slade] good character and desirable to be readmitted to this Colony would be just as relevant and proper in their case as in the case of a person of any other race.

Sir, I beg to support.

THE CHIEF SECRETARY (Mr. COULTS): Mr. Speaker, Sir, the Government proposes to accept this Motion because the Government does not refuse to undertake a study of the Immigration Ordinance, 1956 with the object of introducing amending legislation to place the Ordinance on a non-racial basis.

In so doing, I think it is incumbent on me to point out to the hon. Mover the difficulties which may crop up in the course of that study. I think what he is virtually saying is this: the non-indigenous permanent resident is as much an African as the indigenous African, and therefore this Ordinance, in applying only to non-indigenous Africans, is discriminatory against European and Asian permanent residents. I think that is really what both the Mover and Secondener are saying to me at the present time.

As long as they are all situated in the Colony, obviously there is no difference in permanent residents and they all have like rights. The difficulties really arise when the permanent residents leave this Colony and go away and come back again. Now I am not suggesting that if the hon. Member for Nairobi West arrived at Nairobi Airport people would not recognize that, in fact, he is the hon. Member for Nairobi West, that he is a permanent resident of Kenya, and that he is a Kenyan and a good Kenyan at that. But what about other people who are not so well known? Are we going to suggest that they had better "P.R." tattooed in a prominent place "P.R." which might be construed as "positively in repulsive"? Or even "P.G." which, in another context, means something entirely different? I do not think so, Sir.

The particular people concerned will want to have some form of identification when they return to the Colony in order to show that, in fact, they are permanent residents. That, I think, is one of the difficulties when, examining the problem from that point of view.

Let us transpose the problem to the other point of view which I think

virtually was put forward by the hon. Specially Elected Member, Mr. Slade, that is, that the permanent residents who are Africans, if we amend section 1 (2) should presumably qualify, according to him, for a resident's certificate. Now, Sir, that does present considerable difficulties. He will remember, probably, when the then Acting Chief Secretary was moving the Second Reading of the Immigration Bill in 1956 he said this, "It is neither necessary nor probably practicable to apply immigration laws to the movement of indigenous Africans between various East African territories".

Now my predecessor at that time did not go into all the various reasons why we should find it either impracticable or not proper to do so, but one has got to remember that the objects of the Ordinance are these—there are two: to provide encouragement for new capital and special skills and also to encourage development and at the same to safeguard the interests of the local inhabitants. Now if we have a good deal of movement, as indeed there is between the territories, people coming to visit their relatives and friends, other people coming over on their own particular business, people going out on their own business and coming back again, can we say that that movement is prejudicial to the inhabitants of the Colony? For that matter, can we say that that movement indeed produces or has to provide encouragement for new capital and special skills?

I think, Sir, that it would be difficult but, nevertheless, I do not exclude the study which the hon. Member has asked for, and I am prepared to have a look at it, although I did feel it my duty to point out what these difficulties are. I think, Sir, that that has dealt to a large extent, Sir, with the words of the Mover.

The secondener did ask me for some specific information. I am not certain, Sir, whether you ruled that out of order or not, but he asked me to reply, and I would ask you for a ruling now as to whether I should reply or not.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Yes, I will allow you to reply, but please do not start any further argument by enlarging on the application of the law.

THE CHIEF SECRETARY (Mr. Coutts): Yes, Sir.

I thought it would be of interest to him, although I would much prefer that he put down a question in order to elicit from me the actual figures which he has asked me for. I thought it would be of interest to him to know that since the Ordinance has been in operation, there has been a lower percentage of refusals all round, and there has been particularly a considerable reduction in the percentage of refusals as regards Asians. I would give him these percentages: that there were 26 per cent of applications for entry permits, class G, refused as against 31 per cent previously; and there are 28 per cent of application for Temporary Employment Passes refused as against 40 per cent previously. But I would like to point out to him that the Ordinance has been working for only a very short time, and therefore, I would suggest that in about six months' time, he should ask me by question for the actual figures. I do want, however, to assure him that in all cases, the Immigration Department does operate the Ordinance as fairly as they possibly can, and indeed, non-racially, in such matters.

I do not think there is much further to reply to other than to question the hon. Specially Elected Member's interpretation of the law in section 4 (1) (c). However, that is, or would be presumably, a matter for a court; whether or not the gentleman being an African guard should or could not give the information asked for is a matter of opinion.

I have no further matters I want to reply to other than to say once again that we do accept the Motion in the spirit in which it has been put forward, but I think that the application of the study is going to be difficult, and if, in reply, the hon. Mover has any suggestions to make in that regard, I would be very happy to hear them.

I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, I feel somewhat reluctant, being a Yorkshireman, to intervene in this debate, but as a member from Scotland has spoken before me, I think I qualify, Sir, to express one or two very short viewpoints regarding this Motion.

First of all, Sir, when the Motion was moved by the previous Chief, Secretary regarding the Immigration Ordinance, I did query at the time the difficulties under which a person obtained the status of being a permanent resident. Unfortunately, Sir, we have in this Colony at the moment a Government by rules and regulations. It is always open to any Member to dispute those regulations by a Motion in this Council, but so often, Sir, those regulations are published and the Council is adjourned for a long time, and by that time, we have forgotten all about it. I would like to suggest, Sir, as the Government have accepted the Motion moved by my hon. friend the Member for Nairobi West, that they might consider some of the regulations as well as the Ordinance. We understand, Sir, the difficulties which face the Principal Immigration Officer in trying to enforce the Ordinance, and we also appreciate that he must take a great deal of care in selection and rejection, for that matter, of immigrants. The difficulty, Sir, is that even though you may have been in Kenya for many years, there are two things, Sir, which cause you concern if you wish to become a permanent resident: (a) it is expensive, and I cannot see why it should be expensive for somebody to apply for a pass, someone who has been in Kenya for 30-odd years. That again, straight away I would have said is discriminatory against the European, the Asian, the Arab.

The second thing, Sir, which I think requires considerable amendment is the difficulty people sometimes have of supplying a lot of information concerning themselves which, according to the form, concerns their father or mother. When I was in Rhodesia last year, the hon. Colonel Fitzgerald gave a superb example of form-filing at its worst when he said that he was asked in the Belgian Congo to fill in a form which asked the date of his grandmother's birth. As she had been born before Waterloo, he had somewhat of a difficulty in supplying it. Nevertheless, one or two of the forms in Kenya are not far off being just as difficult to fill in.

Now, Sir, like my hon. friend the Member for Nairobi West, I fail to see why there should be the privilege that because, rather crudely, a person is black, he should have facilities which I,

[Sir Charles Markham]

because I am white, have not got. If it is the policy of Government to have a non-racial approach to our problems, and the Chief Secretary gave the assurance, and provided it can be worked, I am very grateful that Government have agreed to investigate as per the terms of this Motion.

I wonder one thing though, Sir, whether perhaps this present Ordinance is not being enforced only against those who have not got a black skin. The Ordinance described an African, as both my hon. friend, the Member for Nairobi West and the Specially Elected Member mentioned as somebody who is indigenous to Kenya, Uganda and Zanzibar. But if some of the southern tribes of the Sudan, many of whom work in Uganda—they come down from Nimule—and decide to come into Kenya, I should not think anybody cares a proverbial two hoots if they just come here and they work, and they finish working and they go back there again. But that really is a form of discrimination and according to this Ordinance, they are liable to obtain an entry permit before they come. I wonder, Sir, whether that ever happens.

Again, there are countless examples of where people from countries, neighbouring countries, come into Kenya, particularly East Africa, by foot or by various forms of road transport without any sort of immigration control at the various entry points into Kenya unless by chance they come to Mombasa; and that, Sir, is not the subject of this Motion, but it would be very unwise if they did. But because, Sir, they are black, of an African tribe as opposed to Somali, there is virtually no control. I therefore Sir am grateful to Government as an individual who claims to be a Kenyan—I have only been here since 1928, but I was not born here; I claim to be a Yorkshireman, Sir, and a Kenyan, and I am very glad that Government have accepted this Motion.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): If no other hon. Member wishes to speak—Mr. Alexander.

MR. ALEXANDER: Mr. Speaker, Sir—

MR. TRAVADI: I am sorry, Sir, I was just going to—I would like to speak.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Mr. Travadi, but if Members do not get up when I ask, if anyone wishes to speak, it is not really possible for me to come back again after calling on the Mover to reply. However I will call on Mr. Travadi.

MR. TRAVADI: Mr. Speaker, I rise to support the Motion, but I would like to touch upon not the letter of the law, but its application, and in that respect, I would humbly submit that not only should there be a study so far as the racial side of the law goes but its application as well—

THE CHIEF SECRETARY (Mr. Coutts): On a point of order, Sir, I thought you had ruled that the application of the Ordinance was not material to this debate, and it was only the question of the amendment to the Ordinance; otherwise perhaps other people would have spoken on this side.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): That is so, but I was waiting to hear what argument Mr. Travadi was about to develop.

MR. TRAVADI: Mr. Speaker, in that event, I may have to move an amendment that not only the law should be studied, but its application as well, and the word application be included therein at the end. But before I actually put the words, I would like to speak on the application.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): You cannot speak on the application of the Ordinance.

MR. TRAVADI: But if I move an amendment, then I can speak; is that it?

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): If you move an amendment, that is a different thing. But even so you can only move an amendment altering the objective of the Motion as it stands on the Order Paper. You may not develop arguments on application of the law as it stands in doing so.

MR. TRAVADI: That this Council urges Government to undertake a study of the Immigration Ordinance, 1956, with the object of introducing amending legislation to place the Ordinance on a non-racial basis, and its application; I would like to add the words "and its application".

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): After the word or figures 1956?

MR. TRAVADI: Yes, after 1956: "and its application".

MR. SPEAKER, in moving that amendment, I would—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I must please have the amendment in writing. Perhaps the Clerk would help—I now have it.

Will you please move your amendment then?

MR. TRAVADI: I move an amendment that the words "and its application" be added after the figure 1956 in line 2.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Is there a seconder?

MR. JUMADAR seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Anybody can speak to the amendment, but they cannot talk about the application of the law. They can merely speak in favour of or against the amendment which I am now putting as a question to the House. Does any Member wish to speak?

MR. TRAVADI, you have in fact put up your amendment and your reasons for wishing to put up the amendment; under the circumstances you will be allowed to speak again if it is passed.

MR. TRAVADI: But I would like to speak to the amendment and then again after—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The ruling has been given that this Motion as worded on the Order Paper and indeed, in accordance with the expressed intention and wish of the Mover, does not allow Members to develop long arguments about the application of this Ordinance as it stands. The Member, who has now proposed this amendment, wishes to go against my intention and against the so far expressed intention of the House and wishes to bring in long arguments about the application of the law. Therefore he has moved an amendment which he hoped might enable him to do so. I propose to ascertain the wishes of the House by first putting the amendment, and if it is

passed, he will be allowed to do so; if it is not passed, he will not be allowed to do so. Anybody can speak to the amendment, but they may not speak to the law and its application. If no Member wishes to speak, I shall put the question.

Question on the amendment put and negatived.

MR. SPEAKER (Sir Ferdinand Cavendish-Bentinck): The debate is now resumed on the original Motion. Mr. Alexander.

MR. ALEXANDER: Mr. Speaker, Sir, I am greatly encouraged that Government have accepted this Motion. There was a time when I began to wonder—I have said it before—whether we had a completely insensitive and heartless Government; but today, they have shown that they are prepared to listen to reason from this side, and I am very greatly appreciative of the way in which the Chief Secretary has accepted this Motion.

I do want to clarify one point, Mr. Speaker. I have a recollection, although my attention has not been drawn to it, that when I spoke to the Motion in relation to the African Members, I used the expression "enforced absence" I do hope that hon. Members realized what I meant, but it may be misunderstood. Of course, it is a self-enforced absence, and nothing to do with hon. Members in this House.

When the seconder was speaking, I was very pleased to find that he used the phrase "achievement by example" in respect of his own community and other communities in this country. I do suggest that in that expression, there is a good guide as to what we wish to describe when we talk about belonging naturally to Kenya. I am, however, disappointed—and I am very grateful to you, Mr. Speaker, for your ruling—that he did try to bring in the detailed workings of the Immigration Ordinance, and I am even more pleased, of course, that my friend sitting in front of me here has just been overwhelmed on trying to bring in the application of this Ordinance. I did make a strong plea in my opening remarks that we should not interfere with the purpose of this Motion; we should not confuse it by a lot of talk about the details. If my friend in front here wants to talk about the details of the Immigration Ordinance, he has a

[Mr. Alexander]

perfectly good remedy in putting down a Motion of his own; but of course, we have listened for many, many hours in this House in other debates about the workings of this Ordinance, and I imagine we would not have heard anything new today, Mr. Speaker, if these people had been allowed to go on.

But do let me say, Mr. Speaker (because there has been some reflection on this small manoeuvre to cast doubts on the judgment and the ability of the Immigration Department) let me say—and I wish this to go on record—that in the Principal Immigration Officer, we have, I believe, one of the most conscientious and loyal civil servants that this Colony has ever known, and—

MR. PANDYA: On a point of explanation. I was not discussing the present holder of this office. There was no reflection on his ability to consider cases on merit. I was merely referring to the principle. Sir

MR. ALEXANDER: So that I can clear this completely, I would like also to convey my congratulations to the work of the deputy Immigration Officer. I do not think it is generally known, but he is one of those gentlemen that had the wisdom to drag himself about from that extractive industry, the Income Tax Department, and put himself into this far more productive one of immigration.

I do agree with the Chief Secretary that in studying this Motion, in undertaking a study of the Ordinance in the terms of the Motion, very great difficulties, administrative difficulties, do present themselves. I do appreciate that, and that is why I wish to proceed about it in this way so that the Principal Immigration Officer and his staff can quietly go about finding the most convenient solutions to this. But I am disappointed that the Chief Secretary, early on in his remarks, started talking again about indigenous and non-indigenous people, and with an inference that he was thinking of indigenous people as people only with black skins.

Let us get this perfectly clear in our minds, that when we talk about indigenous—and this is the way the Ordinance ought to be drafted—we mean those belonging naturally to Kenya. irres-

pective of the colour of their skins. The type of example, the type of irritation that exists at the moment, of course, is that if my absent friend, the Member for Nairobi area, wishes to go to a conference in Accra or Brussels or Moscow, he does not have to get a re-entry permit; but if I want to go to any of these places, in fact, if I just wish to step out of the Territories of East Africa, I, who have got equal rights in this Colony with him, have got to get a re-entry permit. That is an irritation, and put in that perspective, it is an indignity.

I am disappointed as well, Mr. Speaker, that the Chief Secretary did not convey any sense in what he said of the wider implications in the law as it now stands. We have our enemies here in Kenya and elsewhere who are trying perhaps at times rather too successfully, to place a stigma on those that come within the classification "immigrant"; and it is getting worse, and this is what is most sinister about it: that word is no longer immigrant, it has become foreigner. If this Ordinance is left like this—and there may be other Ordinances, and I would suggest to Government they look at it when if there are—this sinister doctrine will extend itself, and it will not only just become a doctrine of words by demagogues, but they will be able to claim that it is sanctified in the law of this land, and that is wrong.

I beg to move.

The question was put and carried.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

MOTION

CIVIL SERVICE CONDITIONS OF EMPLOYMENT

MR. SLADE: Mr. Deputy Speaker, Sir, I beg to move:

THAT a committee, consisting of persons resident in Kenya, be appointed to consider and advise this Council upon possible modifications of inducement pay, overseas leave, and other conditions of employment of the Civil Service in this Colony.

[Mr. Slade]

Sir, this is an exact repetition of a Motion which I moved in this Council on 13th February, 1958. I make no apology for moving it again because in replying to that debate, I promised to move it again and I should not like to disappoint hon. Members, and particularly the Chief Secretary. I would point out also, Sir, that I have another very good reason for moving it again: that is, that in that debate the outcome was votes of 23 against the Motion with 21 votes in favour, 21 votes representing every single hon. Member on the Unofficial side of every race, and the 23 a bare majority that the Government was able to raise with considerable difficulty. That shows, Sir, how strongly representatives of the public in the Council feel in this matter.

What I do apologise for, Mr. Deputy Speaker, is inflicting upon this Council three Motions of my own in rapid succession. But that is not really my fault, in fact, I am the one who suffers most, I think. We had hoped that they would be staggered a bit longer but due to other developments, over which I have no control, it has become necessary to have this Motion almost immediately after the other two.

Sir, as before, I think I can claim that this Motion is supported by all groups on this side of the Council including the African Elected Members; indeed, at one stage, I had a promise of one of those African Elected Members seconding this Motion. I am sorry he is not here to do it today; but I have another very good secondor instead.

Sir, in a debate of a few days' ago, the Chief Secretary referred to me—and I think it was in connexion with this Notice of Motion—referred to me as Don Quixote, as I always pronounced it, tilting at the windmill—the windmill of Government, I suppose, or of the Civil Service. If he like that simile, I would ask him who raises the wind to blow the windmill round. But I do not like that simile myself; I do not think it is correct, because Don Quixote was a solitary figure, apart from his companion Sancho Panza, whereas I stand with many in this Motion, and whether it may be acceptable to the Chief Secretary or not, I feel rather more like

Joshua and his priests and the multitude of the people outside Jericho. And you remember, the walls fell at the seventh blast. There is a difference, of course, Sir, that then, Joshua was seeking to break through the walls in order to put every inhabitant to the sword; that is not our job. We seek to break down certain walls indeed, but only to achieve greater co-operation and contact with those inside in a matter which is vital to all of us, absolutely vital. And that is, the improvement of the quality and conditions of our Civil Service, and the achievement of that ultimate objective with which we have already agreed, all of us: the objective of a public service staffed by the people of the country without lowering the standards. Hon. Members will remember that that was the declared objective at the outset of the Report by the Lidbury Commission, and that objective was echoed by Government in Sessional Paper No. 97 of 1954 on that Report.

Sir, the walls that stand in our way are, I believe, certain preconceived ideas which have become firmly cemented in the minds of some hon. Members opposite. I think, sooner or later, that those walls will fall down because they are without foundations.

Reading over the debate, Sir, it became clear to me that whatever happened before, our struggle is really a struggle against preconceived ideas.

I would like to take the time of Council in dealing with these preconceived ideas. The first of these has given us the greatest trouble. You see, Sir, there is the persistent belief or allegation that, in Motions of this kind, we are attacking the Civil Service. Now, we have been at great pains to dispel that, but Sir, the illusion is so persistent and is apparently so widespread not only among hon. Members opposite but in the Civil Service that I must spend time again on dispelling it. To do so, Sir, I will refer to what I said when I moved this same Motion seven months ago—that is at page 71 of HANSARD, Vol. LXXV. I said then, "We, Sir, in this Motion are not attacking the efforts of the Government to recruit people in this country to the Civil Service. On the contrary we are well aware of the vigorous efforts which have been made. In this debate, Sir, we are not casting

[Mr. Slade]

reflections on our Civil Service. On the contrary, we are very proud of the standard of the civil servants we have had in this country. But unless some change is made those standards may fall tomorrow below what they have been today and yesterday. We are not attacking those civil servants who are recruited from abroad. On the contrary, we fully understand that in the present circumstances a considerable proportion of our Civil Service has to be recruited from abroad. We are not aiming to reduce the emoluments of the civil servant in such a manner as to render the Civil Service unattractive to men of the standard we have known in the past. On the contrary, Sir, in this Motion we claim to speak for the civil servants themselves—the men who, by the nature of their employment, are not very free to say what they think for themselves. Today, Sir, we are speaking for them as much as for others, and we are speaking for all races". Sir, that is precisely the position today.

I do ask hon. Members opposite to accept this once and for all and to make it clear, whenever they have the opportunity, to the Civil Service that the passage I have just quoted from HANSARD is a true definition of our attitude to this matter. There is no case of St. George and the dragon here. I do not regard myself as St. George tilting at the dragon, the Civil Service. I regard the Civil Service as a willing horse and I would not take a spear to a willing horse; certainly St. George would not; and I hope that hon. Members opposite will not regard themselves as St. George defending the Civil Service against a terrible dragon on this side, because this side also is a second willing horse who wants to link up with the first and pull the wagon together.

I shall, Mr. Deputy Speaker, be very disappointed if in this debate any word is said from this side of the Council to suggest dissatisfaction with the Civil Service, or any desire to alter their conditions of service in such a way as to disappoint them or to suggest that we are not appreciative of their full value.

Now, Sir, the second of the stones in this wall of preconceived ideas is a very serious one, I think. I know that it is still there. It is the apparent conviction

that there must be in effect two Civil Services—the local Civil Service and an overseas Civil Service. I believe, Mr. Deputy Speaker, that that is at the root of our troubles. It is an old obsession which has bedevilled this country for 30 years at least—the misconception that we can somehow build our Civil Service out of two separate services. I do urge the Government to abandon that idea, and to recognize once and for all that our Civil Service must be one Civil Service, and that the house which is divided against itself cannot stand, and that if you have two Civil Services within the one then they are bound to be divided against each other.

The third of these stones is the conception, which I think is growing less—I think this stone is almost on the point of falling out of the wall—the idea that the Civil Service presents problems different from those which confront private concerns. Now, Sir, if hon. Members opposite are beginning to appreciate that such is not the case, then I believe we owe it to some hon. Nominated Member, such as Mr. Rogers, who made that quite clear in the last debate seven months ago. He compared the problems of the Civil Service concerning pay and overseas leave with those of large employers in Nairobi, and pointed out the similarities. I think he rendered a very good service in doing that, although I did not agree with his conclusions. All of us, Sir, both within the Civil Service and outside, are struggling with questions that will have to be resolved in this matter of how to attract those we have to attract from overseas, how to attract those who belong to this country and who we find most desirable for employment, how to be fair in the conditions applied to each, and how to deal with the problem of overseas leave. Those are common problems, within and outside the Civil Service and we must endeavour to find a common solution.

The fourth stone in the wall is, again, I believe, on the point of dropping out—it is the belief that only the Colonial Office and the Civil Service themselves can find the answer to all the questions that we keep raising about conditions of the Civil Service. That was indeed a very fixed belief not long ago. There was an ivory tower in which lived a Government consisted entirely of civil servants;

[Mr. Slade] they believed that only they knew the answer to their problems. I think that has changed. It has taken some time to change, and it has not changed enough as yet. I can give two examples. There were the Liquor Licensing Laws which were passed a little time back, and which had to be altered very drastically after representations from this Council, and after they had been brought before the Council, whereas they could have been brought forward in an acceptable form to the public from the start, if there had been earlier discussion with the public. Eventually that discussion came about, but only after the disagreement of this Council. Another very glaring example, I would suggest, is this tax now under consideration on undistributed profits, where, Sir, late in the day, there has been a clear inclination on the part of the Government to listen to representations of the public, but if only they had invited these representations and discussed them with members of the public—I do not mean merely Members of this Council, I mean responsible members of the public—who knew the problems that this involved, if only there had been that discussion early enough the Government would have been saved from a very uncomfortable position. It is all the same question of the pooling of ideas and experience of those within the Government and those outside, the experience of such bodies as the chambers of commerce and professional bodies, of doing this in time.

Fourthly, the need to ensure a contented Civil Service; and lastly a need of economy in expenditure upon our Civil Service."

I will not repeat all that was said in that last debate which was, after all, only seven months ago. I would ask hon. Members, who I am sparing that pain, to read, all the same, that debate again. It is not so very many pages, and it is full of very serious thinking in some detail by everyone who contributed to the debate from either side of Council.

What I want to do today, Sir, is simply to pose certain questions again, with reference to the present conditions of the Civil Service, that are in the minds of all of us, certain questions which were raised by that debate and which must

be answered to our satisfaction before we can be sure that we are really achieving these objectives to which I have just now referred.

These, Sir, are some of the questions. Are there really two different market values—one for the recruit from Kenya and another for the respective recruit of equal calibre and qualifications from overseas? Are there two market values?

The last of the stones in the wall is the contention, as I understand it, that this Council has no right to initiate a review of the conditions of the Civil Service. Now, in justification of that stone in the wall I would refer to what the Acting Chief Secretary said in the last debate. I need not quote what he said, but I think that was the clear meaning of what he said. If that is the view of the Government then I do not understand it, Sir, because, as I have said before, this is our Civil Service; and it is not only the Civil Service for which the public pay, it is the Civil Service on which we all depend more than anything else for the proper running of this country, and it is a Service of which we are very proud. We must be entitled to initiate a review of the conditions of that Service. After all, Sir, when the Libbury Commission made their Report, they investigated the problems of the Civil Service and suggested amendments, and the Government made its comments in a Sessional Paper, and we then debated the Report and those comments in this Council. Now, Sir, that was clearly in order; but if it was in order then, surely it must be in order for us to ask for another commission to do the same thing over again, but on this occasion a commission consisting of local personnel with their feet on the ground and not archangels from heavenly places. There is only one point I would concede, Sir. I may be wrong, that such a commission of inquiry should report direct to this Council. In fact, I think I am wrong. If the Government takes that view, and would like to move an amendment that it should report to the Government then, I certainly would agree that it should report to the Government in the first instance. I do believe that if only we can dispel these ideas, and, as I say, blow down these walls of delusion; we can begin to co-operate in this common problem.

[Mr. Slade]

Now, Mr. Deputy Speaker, what are we trying to achieve? It is this: a public service staffed by people of the country without any lowering of the standards. I would like to read again my summary defining the main objective, by way of elaboration of that statement made in the Libbury Report, and I am quoting: "First, the need to attract men and women of adequate quality. Secondly, the need to attract men and women of this country. Thirdly, the need to encourage newcomers recruited from abroad to become people of this country, to identify themselves with the Colony and with its permanent inhabitants."

My second question is, if so, how can we discourage the best "people of the country"—quoting again a phrase from Libbury—who are to staff our public service, from seeking their greater market value that lies overseas? How can we induce them to stay?

My third question, Sir, is, does the man or woman with the creative spirit that we want in this country really have to be induced to leave the United Kingdom by an offer of greater pay than he can ever hope for there—or are there not other inducements which are naturally inherent in this country as it stands today?

Another question is—are we now getting people of the country of adequate quality in ever-increasing quantity? It was a question which I posed when I asked the Minister for Internal Security and Defence about vacancies for Europeans in the Kenya Police. Hon. Members will remember his reply to Question No. 60. "Since June, 1958, there have been 97 vacancies in the permanent inspectors Grade I. Of this number none have been filled by officers already serving in some other capacity; 16 have so far been filled by local recruitment in East Africa; and 40 are in the course of recruitment from overseas". That indicates, Sir, that of the 97 vacancies only 16 could be found locally to fill them, before the Government had to turn to the alternative of recruiting overseas. It is a matter of opinion whether 16 is a large or a small number to find locally for that particular post, but I would suggest that it is a very small number. The question

is, if so—why? If we are not getting people of the country in ever-increasing quantity, why not?

My fifth question is, can there be any hope for contentment so long as two men doing the same job get different rates of pay, particularly when the local man starts, even if he does not end, with special qualifications of local knowledge. I will merely give two examples, Sir: one is a very large service, Sir, and one is a very small one. Look at the Police Department; look at the Water Department—their bailiffs. In both services, the local recruit with his knowledge of topography and of the local African, and of the local language, must start with an advantage over the man from abroad who yet will be brought in for the same job, because we cannot find enough local men. As an example, let us take the case of the inspector, grade I, where we found 16 local men and 40 imported men for the same job—the local men with an initial advantage and the imported man with the greater pay. The question is, can there be hope for contentment in those circumstances?

The sixth question is, if overseas leave is necessary for any civil servant, then is it not equally necessary for all civil servants? Sir, I have heard many arguments from time to time in justification of overseas leave, as something not only attractive to the prospective employee but something that is really fundamentally necessary to the civil servant.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair]

There is one more passage to which I would refer in previous debates, which was quoted by the hon. Member for Nairobi West in that last debate in February. It was a phrase used by the then Chief Secretary, Sir Richard Turnbull, when he said that overseas leave was necessary to secure a sense of balance and qualities of sympathy, moderation, humour and tolerance. Well, Sir, that was his view, and I know that it is the view of many civil servants. But if it is true, and if it is a justifiable view, then do not our locally engaged civil servants need those virtues, too?—a

[Mr. Slade] sense of balance and qualities of sympathy, moderation, humour and tolerance, or are they able to acquire and preserve them without going overseas? And if so, why?

My seventh question, Sir, is whether the long periods of leave cannot be replaced by greater benefit to the civil servant at less cost. Supposing, for instance, that there was to be leave every year of three weeks' duration and in the third year—every third year—six weeks instead of three—and suppose the civil servant was allowed to accumulate one out of his three weeks each year up to the third year and make his leave then eight weeks, with two weeks in each of the other two years. That would create a very great saving of standby staff in the replacement staff we have to have now. It would mean, of course, a great saving in the time of the civil servant himself and dedicated to the service. It would, I believe, give him adequate holidays for himself and for his health and recreation, and it would enable us, by those savings, to give him very much better terms in some other way, by paying or by housing, or what you will. It is a question of giving him something else worth more to him and costing us less.

The same question arises, Sir, in respect of my eighth question. Why cannot payment of passages be replaced by a greater benefit at less cost? Supposing, for instance, again, at the end of every three years of service, there was a cash gratuity related not to the size of the man's family but possibly to his salary or possibly, perhaps, a fixed cash gratuity regardless of salary, which he could save or spend on passages as he preferred. Would that not possibly give the civil servant a greater benefit, by giving the freedom of taking holidays abroad or saving his money according to his family needs and his own health? Yet, Sir, the cost to this country would be less, because we would be getting away once and for all from this difficulty that is created by giving benefits of different size or cost for employees of different-sized families.

My ninth question, Mr. Speaker, is how can we encourage those who are recruited from abroad to become "people of the country"—that is again

the phrase used by Lidbury? We want a public service staffed by the "people of the country". If we cannot get it from people who are indigenous to the country then we must get it from people who are recruited from abroad and who become "people of the country" as quickly as possible. How can we achieve that? Can we do it by special income tax concessions to people who have their own homes? Can we do it by the suggested substitutions of cash gratuities for passages? It is a question, Sir, which must be answered.

My tenth question, Sir, is, could there not be at least an option to change from the present terms of service to some new set of terms, which embody some of the ideas that I have put forward or other better ideas? Could there not be a choice? I emphasize that, Sir, because one thing we do appreciate, whether it is dealing with the Civil Service, or employees in our own private concern, is that once you have recruited a man on certain terms you have got to be very careful how you make any change in those terms which is in any way to his detriment or which might appear to him to be to his detriment.

You have got to respect not only your contractual responsibilities—there is also a continuing moral obligation, an obligation continuing indefinitely. So it may well be with existing civil servants, in many or most cases, a question of offering the choice, unless the new terms are more attractive to all.

The eleventh question, Sir—is all well with the present conditions of housing and housing allowances, particularly this hardship of loss of house or house allowance when the civil servant goes on leave, even if he does not want to go overseas and have his passage paid, even if he prefers to take his leave in this country? That I think was admitted as being open to reconsideration during the last debate; perhaps not the loss of house or housing allowance on leave, but the general question of housing and housing allowances.

The Acting Chief Secretary, on page 125, conceded that he was not happy about the housing allowances and the variety of allowances.

My twelfth question, and my last one—is the Whitley Council as now consti-

[Mr. Slade] tuted and used working as it should, particularly in respect of disposal of staff grievances? These are all questions which have been raised before. Only some 12, which I think is enough, from my mind. Some of the questions must be answered, and hon. Members will see, Mr. Speaker, I have made no attempt to answer them, beyond throwing forward a few examples of how one might tackle them. I am not trying to answer them, and I am not asking Government to answer them today, because I must make it clear, Mr. Speaker, that it is quite impossible for us to be satisfied by answers given by Government in this debate to these questions. It may well indicate that Government is happy with the position; they cannot by themselves reassure the rest of us. These questions can only be answered by some kind of enquiry, some kind of further investigation, and that is what this Motion is asking Government for—one thing only, and that is to agree to an enquiry, to find the answers to these questions. If it is said, Sir, as I have heard it said in a previous debate, that it is undesirable to have frequent reviews of the conditions of the Civil Service, and that in the United Kingdom there is no precedent for frequent reviews—they merely occur every 30 or 40 years—the answer must be, Sir, that the precedent of the United Kingdom is not applicable to this young country. We are growing up very fast and feeling our way as we go, and realizing our mistakes as we go, and, I hope, remedying them as we go. We must continue with this review of these problems of the Civil Service if we are to be satisfied that the job is being done properly, and we have got to find the final answer, if there is an answer. I would repeat that private concerns are facing just the same problems and just the same frequent review. From month to month, in company after company, you will find the board of directors considering and reconsidering just these very problems. They have got to be solved in co-operation and not in isolation: that is why I am so anxious to see a committee of both civil servants and non-officials, all people who belong to this country.

Mr. Speaker, I would end by emphasizing once more that it is not enough in a case like this merely that Government should be satisfied with the position, or with the proposed modifications. It is not enough that the Civil Service alone should be satisfied with any proposed modifications. It is not enough that the public alone should be satisfied. We have all got to be satisfied, if we are going to get the right answer this time. It may not be easy but it simply must be achieved, and I do not think it can be achieved otherwise than by such an enquiry as this Motion proposes.

I beg to move

MR. NAZARETH: Mr. Speaker, Sir, I beg to second the Motion. I am as anxious as the hon. Mover to make clear that it is not the object of this Motion to attack the Civil Service. The hon. Mover, on the last occasion on which we had this debate in February, went to the very considerable pains to make that clear, and he has gone to equal pains, though not at such length, to make it clear in this debate, and after the reassurance that he has given and I am now giving, I hope that there will be no misconception on the Government side as to the object of this Motion.

As the hon. Mover has explained, the object of this Motion is to effectuate Government's own object, which is to obtain a Civil Service of local people and to maintain the highest standards in that service. But he has indicated, and I would repeat, that that must be done with due regard to obtaining the best advantage out of the taxpayers' money. Having regard to the pains to which we have gone to make clear our objects, there should be no reason, no real reason, for the misconception, and I hope that the Government will not erect its own mine-pins and then proceed to knock them down. Nor is there any sort of undercurrent of hostility to the Civil Service in this Motion: on the contrary, I should think that most Members on this side—and I hope all—entertain the highest regard for the Civil Service, and when they might be inclined to think them at times myopic, at other times unadventurous, I think none of us doubts that as a whole, for ability, integrity, and devotion to the public interest, they are not

[Mr. Nazareth] : surprised by any other body of men of comparable size. I do not pay that tribute merely as a matter of form: some ten years ago I had occasion to work on a committee with a civil servant fairly highly placed in the hierarchy, and I had personal experience of the very long hours he devoted to his work—giving up Saturday afternoons, giving up Sunday mornings, and even working in bed in order to prepare a report in time.

Mr. ALEXANDER: Like the select committee?

Mr. NAZARETH: I do not believe that that experience is unique, otherwise I would not have mentioned it. There are I think a considerable number of cases in the Civil Service where civil servants do bring to their work the same devotion that this particular person of whom I have experience brought to his work.

The hon. Mover mentioned the tendency on the part of the Government to question the competence of this Council to enquire into and seek modifications of terms of employment of the Civil Service. He did not quote the passage in which that stand was taken on the occasion of the last debate, but I will quote a small passage from the paragraph in which that stand was very clearly taken. That appears at page 118 of volume LXXV of HANSARD, this is what the Acting Chief Secretary, Mr. Griffith-Jones said—in fact he almost began his speech with these words: "The first misconception is that which supposes that this Council is the appropriate body to accept responsibility to decide the terms and conditions of service of the Civil Service. In fact nothing could be further from the truth—it is not the function of this Council."

If certain terms of service—for example, inducement pay, overseas leave, and such other matters—if such terms are unnecessary or unduly expensive—surely the Council has the right and the duty to say so, and the best, the most responsible, method of saying so would be, after receiving advice from a body of men charged with the duty of investigating the conditions of service, with particular emphasis on those terms which have aroused public concern, criticism, or opposition. There would be no justifi-

cation therefore at all for saying that the right and the duty of criticism, and the duty to vote or to refuse money for maintenance of the Civil Service, are not wide enough to warrant Council asking for a committee to advise it on what modifications and conditions are necessary or desirable, so that it can call for those modifications and thus discharge its responsibility to the taxpayer in regard to the proper expenditure of his money, and carry out its duty to express its views on policy in regard to that very important, that vital, instrument of Government, that of the Civil Service.

I hope, therefore, that in this debate there will be no suggestion that Council is exceeding its powers or misconceiving its duties in asking for a committee of the kind that is asked for by the Motion. On the last occasion there was a refusal to grant this committee, for a number of reasons that were advanced in that debate. One was, and this has recently been repeated by the Chief Secretary, that it tends to unsettle civil servants. Now, I do feel that nothing could be more unsettling to a civil service than not to be able to deal adequately with public criticism and not to answer questions which are being widely agitated. There is, undoubtedly, widespread criticism and a great deal of concern is being felt in regard to the conditions of the Civil Service, and if Government were not to allow this enquiry, grant facilities for this enquiry, then an attitude of hostility will be likely to develop against the Civil Service and nothing could be more unfortunate than that an attitude of hostility should develop towards the Civil Service. In this respect I might say it is rather like justice—it must not only be done but must be seen to be done. Similarly, I would say that not only must the Civil Service be efficient and operate to the best advantage, but it should be seen and acknowledged to be operating efficiently and to the best advantage. In that respect the Civil Service deserves and ought to receive the same unstinted public support that the London police-man claims and regularly receives.

Then again, another reason that was given and that has been referred to by the hon. Mover is that in England there have been no enquiries. In the last debate we were told there have been only two enquiries in the last 28 years. Well,

[Mr. Nazareth] has said, this is a developing country. Conditions here change rapidly and what might be right for England will not necessarily be right

might quite often not be right—in a country where conditions are so very different from what they are there. Major principles like inducement pay and overseas leave may, in the course of a few years, become inapplicable or they may have to be severely limited in application.

Then again, for a country where the conditions ought to be relatively fluid, excessive rigidity might develop in a very short time, which might need correction. We have had an inflation which might make certain privileges lopsided in a very short time. You might have persons quite junior in the Service, getting privileges quite out of proportion to what one might say they would be entitled to or ought to be given. You might have persons relatively junior who were granted first class air passages. If they had to travel at their own expense they would not have dreamt of asking for those air passages, and if it had come to a question of recruiting persons of that level they would not have been at the least bit dissuaded or discouraged from entering the Service because they were getting tourist passages instead of first class passages. Nor, if they had to travel in the tourist class would they be dissatisfied, having regard to the position they hold.

Now things of that sort may occur— anomalies—lopsided development—which need correction in a very short space of time. Then, again, you have occurrences like excessive accumulation of leave, which one feels is neither to the advantage of the civil servant himself nor to the advantage of the taxpayer, that he should remain on holiday when he does not wish to continue his holiday and when it means paying him for something which he does not wish to do, which does him no good, and which merely causes the country expense. All these little things need to be examined and they often need to be examined—not at intervals of 20 years, but at intervals of even as little as three and four years.

It is evident that the inducement pay principle has caused a considerable amount of dissatisfaction and that may necessitate—and I venture to suggest

does necessitate—a new approach. As the hon. Mover has said, or indicated, where is the justification for unequal pay for equal work? I cannot see how a service could be contented or could maintain a state of contentment when persons doing exactly or practically the same work are granted unequal remuneration. There is bound to be dissatisfaction among those who, because they were locally recruited, are given less pay than others, merely because they happen to be recruited elsewhere. Even if, as a result of doing away with the inducement principle, extra expense were to be caused—even in those circumstances, having regard to the paramount necessity of the Civil Service being contented and working under a belief that they are being treated justly—even under those circumstances I would suggest that there would be ample justification for doing away with a principle that is bound to demoralize the service, such as the inducement principle must in time do.

There are other little matters which one feels would require investigation: those long periods of leave which sometimes accumulate. They require to be dealt with the civil servant foregoing a portion of his leave and being given some compensation for it; not necessarily at the same rate at which he draws his pay—something less, perhaps—but with advantages both to him and to the taxpayer. We have been told time and time again that many civil servants proceeding on leave do not wish to do so because they suffer from acute financial embarrassment by being compelled to take their leave. Now it may well be that these cases are exaggerated, that they are, not as many as they are supposed to be, but having regard to the frequency of the complaint I think there can be little doubt that they do occur in a considerable number of times and it would be necessary that conditions should be worked out which those persons to avoid the difficulties which they get into by being compelled to take leave against their wish.

On the last occasion it was suggested that all enquiries had in the past led to an upward revision of salaries. I very much doubt whether that, in fact, has been invariably the case, but in the circumstances that now prevail, having

[Mr. Nazareth] regard to the fact that the cost of living has been for some time steady and that the cost of primary products is going down, I very much doubt if, in the present circumstances, there is any consideration of the terms of service, it would lead to an upward revision of salaries.

Now there is one other consideration I would refer to as ample justification for this enquiry, and that is the harm that would be done if an enquiry were not entered upon I would refer in this respect to what was said by two hon. Members who were then on this side of Council and who now are on the other side I hope that as a result of their joining the Government, Government has been induced somewhat to modify the stand it took on the previous occasion.

This is what the hon. Member for Mau, now the Minister for Tourism, said at page 106 "It has been suggested that there is a possibility that there is a decline in quality, during the last four years, of the Civil Service. I do not believe that that is so, and hope it is not so, but if Government Mr. Speaker, cannot see their way to have an enquiry, then the obvious deduction would be that they fear an enquiry into that subject. I therefore urge Government to accept the Motion". Now I do hope that Government will accept the wisdom and the rightness of that argument.

Equally I might refer to the arguments of the hon. Member—then the Member for Nairobi South.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Still!

MR. NAZARETH: I beg your pardon. The present Member for Nairobi South and the present European Minister Without Portfolio—who also very vigorously and forcefully supported the Motion, in the same terms as the present Motion. I do not suppose that since then he has "suffered a sea change into something rich and strange". That mention of the sea reminds me of boats. I have a faint recollection that one of the famous "Three Men in a Boat" had the name of Harris, and I cannot help expressing the hope that the hon. Mr. Harris will

not be caught between two boats—Jerome K. Jerome's boat and Chunnel B. Madan's boat and if the hon. Member sticks to one boat I hope we will not find him turning any somersaults or catching any crabs.

Now it is plain that if, these two hon. Ministers have not been convinced against their will, and are of the same opinion still as they were in February of this year, then there is substantial support for this Motion from within the Government.

In the situation that has developed, what was clear, I suggest, six months ago and what was demanded by the whole of the Opposition side without exception, has become even clearer. The Civil Service should not be treated as a sacrosanct body and it should not be regarded as something wrong that persons outside the Civil Service or outside the Government should investigate the terms and conditions of the Civil Service. We had the Liddbury examination four years ago and that was carried out by persons outside the country. It is desirable that the Civil Service should be adjusted to our times and needs, and while we had the advantage of a wider approach four years ago, I think it would be very desirable now that we have an approach that would be undertaken by persons who are familiar with our own terms and conditions. No great advantage would now be served by inviting outside persons to undertake a fresh enquiry, when one was undertaken fairly recently, but a very great object and a very useful purpose would be served if this time we had that enquiry undertaken by local persons. I hope, therefore, that Government will—even if it is necessary to make some slight modification to this Motion—accept the broad object of this Motion. I myself feel that it would be desirable that the committee should report to this Council, but perhaps there may be difficulties in that being done. If that is so, I do not think any fundamental difference would occur if it had to report to Government; we would still have the opportunity, I take it, of debating the report of any committee that was appointed if this Motion were to be passed by this Council. I do hope, even if some slight modifications to this Motion are necessary, that Government will realize that the best interests of the Civil Service

[Mr. Nazareth] as well as the best interests of the public would be served by accepting this Motion and appointing a committee to undertake this enquiry.

Mr. Speaker, Sir, I beg to second the Motion.

Question proposed.

THE CHIEF SECRETARY (Mr. Courts): Mr. Speaker, Sir, in following these arguments once more from their beginning to their logical conclusion, I must admit during this afternoon I have become somewhat weary, so I hope hon. Members will excuse me if I do not reply to their points as clearly as I might otherwise have done, but I want first of all to start by complimenting the hon. Member once more on his enormous capacity for dealing with this subject, for his great energy and also, if I may say so, his great clarity. He described himself not as Don Quixote but as Joshua with his priests at Jericho, and I notice that he produced 12 trumpets with which he was going to demolish the walls. Now, I personally rather feel like Elijah dealing with the prophets of Baal—the same type of stubbornness, with which Elijah found himself confronted, I find once again on the other side of the House.

However, Sir, let us deal with the Motion. Government cannot accept this Motion in the terms in which it has been put before the House, and the hon. Member has already suggested that we might perhaps make some amendment to it. I do not propose to make an amendment to it at this stage, although I do propose to make a suggestion to the hon. Member in due course when I have dealt, I hope, with his own speech and that of the Secondor. I cannot accept an enquiry of this sort for the same reasons as were given in this House on the last occasion. The main reason—and I am replying here to the points made by the hon. Secondor who has just sat down—is that such an enquiry, composed of people reporting to the Legislative Council, must inevitably inject politics into all matters concerning the Civil Service. We do not dismiss the possibility of having enquiries by outside people—and indeed he himself mentioned this when he talked about the Liddbury Commission. Indeed, many

people had the chance to give evidence before the Liddbury Commission when they were in Kenya.

Mainly for political reasons, and also following on what has been a very distinct attack on the terms, conditions and privileges of the Civil Service recently in the Press, I feel myself that an enquiry of this nature at this time would have disastrous effects. Therefore, I cannot accept the Motion as it stands. I will, however, as I said, in a moment try to give the hon. Member another suggestion.

Now, he went on to talk about the walls which are in the way, and he talked about preconceived ideas. He said the first one was an insistent belief that they were attacking the Civil Service. Well, Sir, I would like to thank the hon. Member—as indeed I do thank his Secondor for stating quite unequivocally this afternoon in the House that they have no intention of attacking the Civil Service and that they do not wish to attack the Civil Service. That I accept and am most grateful, because it puts it quite clearly at the present time that there is no such intention. As I have already said, I think a great number of members of the Civil Service have felt great disquietude about what has been going on in the last five or six months; and I can tell hon. Members that from my own experience in going around various parts of the country and talking to civil servants. Some have said that they are having their home leave privileges taken away altogether; some have said that they are going to have 10 per cent of their salaries cut off immediately; some have said that their various other terms are going to be altered or modified. That comes purely and simply from the sort of thing we have been reading in our newspapers recently. You yourselves know what the effect of that is on a Civil Service in a very short time. Indeed, I had to go and talk to a number of them myself not so long ago and reassure them that the Government had no such drastic intentions in its mind.

Then the hon. Member went on to Council ask: are we going to have two Civil Services, one local and one overseas? If so, they are going to be divided against each other. Well, Sir, the object of the Government really is to build up a local Civil Service; it is trying to build

[Mr. Alexander] the Chief Secretary's advantage. I am told, as well.

Now, Sir, the last time this was debated we had the very refreshing sight of seeing my very good friend opposite who wears the turban plunging into this debate on our side. He is sitting, I see, below the horizon already and I can only just about see his turban, but it will be encouraging to us to hear again those refreshing words that came from his lips at that time because, Mr. Speaker, the great difficulty that we have is that quite obviously between us and our civil servant friends on the other side we can never begin to talk the same language on this subject. There is an inherent difference between us—it is the difference of what I was just talking about in the debate before this one. Those of us who belong naturally to Kenya look at things naturally, although rather differently from those and God bless them, we need them, and we love them—who are looking over their shoulders to the day when they are going to retire from this Colony, a retirement which they are perfectly entitled to. Mr. Speaker, let us be quite clear in our minds that there is bound always to be a difference in outlook, a difference in attitude between our civil servants from overseas and ourselves on this subject. What I would welcome as a preliminary to any committee outside this House is an informal discussion initiated by the Chief Secretary between us on this side and the Nominated Unofficial Members on the other side in order at least to break the ice first of all.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck). The time has come for the interruption of business and I now adjourn Council until 2.30 p.m. tomorrow, 19th November.

The House rose at fifteen minutes past Six o'clock.

Wednesday, 19th November, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

MOTION

CIVIL SERVICE CONDITIONS OF EMPLOYMENT

Resumption of debate interrupted on 18th November, 1958.

MR. ALEXANDER: Mr. Speaker, when the Chief Secretary was talking yesterday he invited us to discuss with the gracious Member for Nyanza the advantages she had derived from the journey she recently made overseas. I was extremely intrigued with this suggestion because my recollection of her before she went on overseas leave was of a gentle, a very gentle, and a very sweet person, and I have been following up on the hours since the Chief Secretary spoke, and I find that what we have got now, Mr. Speaker, is somebody who has returned with so much vigour and enthusiasm that I begin to wonder whether her moderation has perhaps been lost, because she is a complete ball of fire today. It is frightening. If that is what overseas leave does then the sooner people like the gracious lady remain here the better it will be for we folk who have got to deal with her rather devastating ways in the meetings of the European Elected Members' Organization.

Yesterday, Mr. Speaker, I did say—and I want to get this clear in peoples' minds—that nobody was objecting to overseas travel—in fact, Sir, it is good for everybody. What I did forget to say, and I wish to say it now, is that of course it is good for everybody, provided they, or the country in which they live, can afford it. This privilege in these territories is, according to the 1956 Balance of Payments Report, costing these territories some £13,000,000 a year in spending on overseas leave and in passages for overseas leave.

Some weeks ago, writing a letter to the Press on this subject, I did mention that my guess was that Kenya's adverse

[Mr. Alexander] the fault of folk like myself on this side of the House, Sir, who persistently do worry him! I apologize for that, but nevertheless I do appreciate the time and the patience that he gives to us.

[Mr. Alexander] in the balance of figure in this respect in the balance of payments was some £6,000,000 a year. There was a reply in the paper suggesting that the figures were not available and the conclusion was that, of course, I did not really know what I was talking about. I did not bother to reply to that particular letter because it was so apparent that the person who wrote it was obviously ignorant.

I have done a recalculation of this £13,000,000 for East Africa and on the basis of European and Asian populations in the three territories—which is, I suggest, a correct presumption, as it is only those persons in those two racial groups who normally are involved in overseas leave—the result is that Kenya shows a population of some 60,000 Europeans and 160,000 Asians which makes a total of 220,000. In Tanganyika the figure is Europeans 20,000 and Asians 75,000—total, 95,000. The figures for Uganda are Europeans 9,000 and Asians 55,000—total, 64,000. The total in round figures for Tanganyika and Uganda for Europeans and Asians is therefore some 160,000. So in the three territories these figures total 380,000, of which Kenya's proportion is 220,000, or 58 per cent. If these presumptions are reasonably correct—I do not put them forward as anything more than reasonably correct—then 58 per cent of £13,000,000 is £7,500,000. That, Mr. Speaker, gives a figure approximately of what it is costing Kenya today for overseas leave, pay and passages and spending, as an adverse item in our balance of payments figures.

Now, Mr. Speaker, I wish to turn to a few remarks made yesterday by the Chief Secretary and I will deal first with the one where he said, and I quote: "During this afternoon I have become somewhat weary". I can appreciate, Mr. Speaker, why our Chief Secretary has become weary; and I am quite certain in my mind that if there is anybody in this Colony that is entitled to overseas leave it is the Chief Secretary. I have had occasion to visit him officially in his office of an evening at a time when most people—including those outside the Government—have ceased to work; and I believe that he is perhaps doing that most nights of his life. I do appreciate how weary he must become; and I do appreciate to what extent it is perhaps

the fault of folk like myself on this side of the House, Sir, who persistently do worry him! I apologize for that, but nevertheless I do appreciate the time and the patience that he gives to us.

The Chief Secretary then went on to say—and this was in connexion with the Press publicity in connexion with Civil Service terms—and I quote: "A very distinct attack on the terms, conditions and privileges of the Civil Service recently in the Press". Later on he said, and I quote again: "I think a great number of the members of the Civil Service have felt great disquietude about what has been going on in the last five or six months. That comes purely and simply from the sort of thing we have been reading in our newspapers recently". I do submit, Mr. Speaker, that it is very necessary to get our perspective perfectly correct in this particular respect. What happened, as I understand it—my reading of the sequence of events—was that as a result of the income tax debates and the anxiety of the public about income tax people started to think, rather naturally, of expenditure; and very naturally into that thinking came this question particularly of overseas leave.

The first intimation publicly in this particular sequence was an invitation to some Government departments to state their case and, in fact, in turn, the High Commission, the Kenya Government, the Railways and the Post Office stated their case and each of these was very fully published as a news item, not as a letter, as a news item, in the paper. I do suggest that these departments did have more than liberal opportunity in that particular respect to state their case fully.

Then followed a spate of letters, and I have done a brief survey of these. It is very clear that far more letters—written at greater length—were published in defence of the system of overseas leave than were published attacking it. In fact, two of the longest letters in the press on this particular issue were published, one by the President of the European Staff Association and one by the Vice-President of the Railway Staff Association. Not only did they have that opportunity—and, believe me, there were many civil servants who wrote under *noms de plume*, as well as these men, and had their letters published—but, in addition, they were given—the civil servants were

[Mr. Alexander] given—the opportunity of a broadcast programme over Cable and Wireless Limited. This particular criticism by the Chief Secretary should not be entirely focussed on the press campaign and on those who took part in this particular controversy in the past weeks.

There is also blame to be attached to the Government for their handling of the matter. I remember one particular case where a letter was published by a senior civil servant in which it clearly indicated that there was an option to civil servants to remain in the country for their overseas leave. I had to reply to tell the rest of the story, and the rest of it was, of course, that they can stay for their overseas leave, provided they get out of their house, if it is a Government one, or lose their housing allowance if they are in their own home. Now that puts an entirely different complexion on the word "option", and in that particular respect I blame the Government for a misconception.

I submit, Mr. Speaker, that the ventilation of this subject has been helpful. It has shown the country, it has shown the civil servants how we feel about this particular matter. There is no harm in that. It is right and proper that these feelings and these attitudes should be known and we are the healthier for it.

The Chief Secretary then went on as regards the local Civil Service to say this: "We are trying eventually to produce a local Civil Service at a cost which is much lower than your present Service. The hon. Specially Elected Member, Mr. Slade, is arguing for what I conceive will be a much more expensive Civil Service. . . . If you are going to bring people from the United Kingdom, you must give them greater terms than possibly the person you might get locally".

Then he went on later: "There obviously is going to be a certain amount of discontent. There must be. But then, if we can only hold on for long enough, we will get to a stage where we will have nothing but local people on local terms".

Now I take it from that that the Chief Secretary means that provided we can hold these people we have at present in the Civil Service without inducement pay, finally we will reach a stage where we will have few or no civil servants on

inducement pay. But I do beg of him to look at this rather more realistically. We have had precisely this system by another name before the last world war. At that time, I think it was called the Overseas Civil Service and the Local Civil Service. There was a difference in terms and conditions, weighted in favour of the overseas civil servant. It was not called inducement pay but the effect of it was just the same. That system collapsed because it was found quite impossible and quite unfair to have people of equal quality and equal enthusiasm and output working alongside one another on different rates of pay and on different terms.

I suggest that in this case, if the local recruit finds himself discontented because he is not being treated in the same way as the overseas recruit, then he will resign and in the end we will be thrown back on to staffing our Service entirely from overseas. In fact, we may reach a stage where we will have no local people because the terms are not sufficiently attractive or, if we have local people, they will be on terms which attract inefficiency—and that we certainly do not want.

I do know that in certain departments I believe in the Ministry of Works, in relation to the mechanical trades and the like—it has been necessary to employ people from overseas on inducement pay, and I understand that a department such as the water bailiffs has itself been thrown into very nearly that position—an activity, a service that should be essentially local. But it is perhaps finding difficulty in maintaining its recruits from local people.

Then the Chief Secretary went on to say this—and I quote: "Anyone who leaves a particular country to go to another, he wants to know whether, in fact, he is going to be able to get back again". Yesterday, Sir, just before we closed I did try and speak about this fundamental difference that there is in the attitude of those of us who belong naturally to Kenya and those who come from overseas. We would like to see the terms and conditions in such a form that when recruits come here from overseas it is in the certain knowledge that they are expected to make their homes in Kenya.

In Central Africa, or at least in Southern Rhodesia, for at least the last

[Mr. Alexander] 28 years the system has so been arranged there that their recruitment is on the basis of people making their homes in that territory. Some 25 to 30 years ago, Southern Rhodesia moved away from the system of overseas leave with paid passages, and today, of course, that system is extending into the Federation generally, so far as, of course, Northern Rhodesia and Nyasaland are free from Colonial Office direction.

The answer, I know, to those who advocate this system is that if overseas leave is abandoned then we will get no recruits, people will not be interested in coming to these territories. But that is not the experience of Southern Rhodesia over the last 25 to 30 years. I know it has been argued that, of course, what has happened is that Southern Rhodesia has got a service less efficient than we have got in Kenya. That is not an argument I am prepared to accept. But even accepting that, I would go so far as to suggest that perhaps the tremendously enthusiastic local loyalty that they have in Southern Rhodesia may offset some of the academic shortcomings from which we may suffer.

It is very interesting, on this particular theme, that attracted from this very colony, from these very territories at this moment, is one of the most senior personalities who has been here; and he is now attracted to Central Africa, in a very senior position, but on terms where he will not be entitled to overseas leave. He will be entitled to vacation leave, yes, with which he can do what he likes; if he wishes to travel overseas, he may do so.

The next thing that the Chief Secretary said was this—and I quote: "Always in the heart of the civil servant that in fact we will not respect contractual obligations". Let me make it very clear, Mr. Speaker, that there has never been any intention, and there have never been any words from this side of the House, that would suggest that we wish contractual obligations to be waived. In point of fact, I think as a record—that a good example is one of the City Council of Nairobi, when their staff was transferred to consolidated terms. What we did there was to fall over backwards to see that financially they gained as much as and more than they did under their existing

terms. Secondly, we made it very clear that nobody be transferred to the new terms if they did not want to be transferred. In point of fact, I think some 80 or 85 per cent transferred. But they had no obligation whatsoever to do so.

I do suggest that a great deal of this issue of overseas leave could be resolved if the Government would just move one more step to a system that allows civil servants to opt to forego their leave, continue to work and take a lump sum in lieu, with the exceptions, of course, of those who are medically unfit and those in some of the areas where they must go overseas.

But I believe if the Government would just do this as an initial start in this transfer to the changoever that it would go a long way. I have heard it said that if they do that, it will debase the service. I have never understood what it meant by that. If a man is given the option to forego his leave, how does it debase the principles of the service.

Another matter is this one of first class fares. The origin of these, of course, I believe was in the days when first class officials should travel first class, but of course today—and very wisely—those with families are allowed to commute their first class entitlement with lesser passages which thereby assists them to pay for the rest of the family. But of course, what is unfortunate about that is that the man who is only entitled to third- or tourist-class passages has no freedom of action to commute because there is nothing he can commute. Those who have first class entitlement have, in this particular respect, a very great advantage.

I have also heard it said—in fact, I think it was said by the previous Chief Secretary in the earlier debate—that the staff have no wish to alter the present system of overseas leave. I think we were told that it had been discussed with the staff side of the Whitley Council and they had no desire to see any change. That I accept, Mr. Speaker. But what we are not told is when the staff discuss these general meetings, when they discuss this subject—and they, the civil servants, had one, recently—what we are not told is who speaks at these meetings, because it is asked a great deal of human nature if a departmental head gets up in defence

[Mr. Alexander] of overseas leave to expect his number three or four or five to get up and attack it. I do suggest that the lesser civil servants are not completely free to speak in this matter and what happens. Mr. Speaker, is that they come to speak to people like me.

SEVERAL HON. MEMBERS: It is a shame!

MR. ALEXANDER: It is a shame. But I do hope that we do not hear any more of this argument because I do know—and it is very natural to appreciate—how the lesser senior civil servants are placed in a most invidious position on this particular subject.

We have heard about our Government inducing people to own their own homes. I am wondering whether our Government made any representations to the Select Committee of the Central Assembly, at present sitting on income tax, in this particular respect, in respect of the freeing of net annual values from taxation. That would be one of the greatest inducements to encourage people to own their own homes. But I have no knowledge that our Government has given evidence on this particular matter.

The Chief Secretary has said that he wishes to discuss with representatives of firms—"I would like to discuss with representatives of firms their problems". This, Mr. Speaker, is indeed exceedingly welcome. What I would press upon the Chief Secretary is that he goes further than just discussing with representative firms; that he actually asks representatives of business and those outside Government to really study this problem in conjunction with civil servants and put out some firm ideas. I think we would get far quicker results in that way than with the Chief Secretary just perhaps discussing with odd people from time to time.

Finally, Mr. Speaker, may I say that until this problem of overseas leave is resolved in a way that will enable civil servants more easily to make their homes in Kenya, until it is, then we will not arrive at a fundamental influence that will greatly increase the stability of this country. What we want is more people of experience, with knowledge and with skill owning their own homes in Kenya.

If our Government will move rapidly in that direction, they will have done much to help this Colony.

I beg to support.

MR. SLADE: Mr. Speaker, Sir, yesterday in the course of this debate, the Chief Secretary made a suggestion to which my hon. friend has just referred: that was that he should arrange discussions on all points which this Motion has raised with representatives of private firms that have problems of employment in common with the Civil Service. And in those circumstances, Sir, I might see fit to withdraw this Motion.

Sir, I think this is an offer which should be accepted in the spirit in which it is made. There is doubtless a great deal more that might be said in this debate, and a great many people, I am afraid, may be disappointed if the Motion is withdrawn now. On the other hand, Sir, if we are to accept the Chief Secretary's offer and withdraw this Motion, I think it is only fair to him that we should do it now, and that all that may be said still on this subject should be said outside this Council in these discussions, in the hope that we do not have to move this Motion again.

So, Sir, I ask for the Council's leave to withdraw this Motion.

GROUP-CAPT. BRIGGS seconded.

The Motion, by leave of the House, was withdrawn.

MOTION

PUBLIC ACCOUNTS COMMITTEE REPORT. 1956-57

MR. ALEXANDER: Mr. Speaker, Sir, I do apologize for being on my feet again quite so soon, but I am rather in the position that the Specially Elected Member, Mr. Slade, explained of himself yesterday: this is not of my choosing, but this item comes up under my name and it is a fairly big subject and I do crave the indulgence of the House to listen to this voice for a little longer.

Mr. Speaker, I beg to move:—

THAT the Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1957, which was laid on the Table of this Council on 14th October, 1958, be noted.

[Mr. Alexander]

This Report now before the House has been entirely inspired, completely inspired and moulded by an old and trusted friend of the House: I refer to Lt.-Col. Stanley Gherrie. (Applause.) He was first appointed to the Committee in 1951, and Chairman since April, 1954. His quietly tenacious manner and conscientious work as Chairman of the Public Accounts Committee are quite irreplaceable; and quite irreplaceable is that quietly admonishing finger that the Front Bench of the Government learned to cherish and to respect. I am sorry that the substantive Attorney-General is not here today because I believe it was a finger that he really enjoyed from the other side of the despatch box. We miss Col. Gherrie; we miss his guidance and we miss his gentle and impartial nature.

I am therefore most distressed and hurt that an hon. Member of this House only a few weeks ago should have attempted in public to denigrate and cast doubts upon the impartiality of a colleague of only a few months ago, a colleague whom we all hold in high regard. I am sure I express the regret of you, Sir, and of all hon. Members of this House at the despicable and cowardly way in which our old friend Col. Gherrie was attacked by the Member for Nairobi Area in circumstances where none of us was in a position to answer for him. Because of his integrity, sense of judgment and high character, Col. Gherrie was invited to become a member of the Council of State. Out of loyalty to his European associates in this House, it was he who asked for our blessing before deciding to go on to the promoted position he now holds. We are glad and honoured to have this spontaneous show of respect from him and to be able to offer him in our turn our best wishes in his new task.

Mr. Speaker, I now wish to refer to page, in Roman figures, XXXVII of the Report, that describes types of audit. Mr. Speaker, a few days ago, on the Motion of the hon. Member for Kiambu, the Government rejected a request for management audit on a basis similar to that of the present procedure in relation to the Controller and Auditor-General, and in turn in relation to the Public Accounts Committee. That was only just a few weeks ago, and in the period since

then, Government has had time to think more carefully about our reasonable, our very reasonable, request. Government now begins to show signs, in the words used by the Chief Secretary in this House on Wednesday, 12th November, of accepting our ideas. He said—and I quote it—"I still think the proper place for management audit is within the Government itself, in the Audit Department".

If these words mean that the technique of management audit should be adopted by, and applied in, the internal audit system and by the Controller and Auditor-General, then indeed we will have gone most of the way to achieving what we all want. All that remains to be cleared is the elimination of the wasteful and ineffective Estimates Committee; and in its place, the Auditor-General to report the results of this management audit to the Public Accounts Committee on completion of each specific assignment.

Management audit, in this particular sense, would be applied to those departments and activities of Government that are susceptible to such techniques, techniques such as standard costings, time and motion studies and business appraisals. Here it is an opportunity today for Government to confirm that it does intend to apply management audit in the way I have described.

Mr. Speaker, this Motion is completely different in one respect from Motions in the past. Previously the report was adopted, whereas today, for the first time I understand, it is only noted—only noted, small recognition—for such a volume of work. The reason for this change, as I understand it, is that the report invariably contains some criticism of Government administration and therefore it would be awkward, it would be invidious to expect Government to join in any form of self-admonishment. Presumably Government has its own means of private confession which satisfies its conscience and produces that peace of mind which is so essential to any immovable government. I think hon. Members would be interested to know just to what extent this report is approved by Government before it is presented to you, Mr. Speaker and to this House. The procedure is that a

[Mr. Alexander] draft report is drawn up by the Chairman with the Clerk of the Council and that report, as a draft, goes first to the Auditor-General and to the Treasury for their comments; any amendments that they wish within the terms of the minutes of the committee are agreed to and included in the report. That shows the extent to which this report is in fact approved by the Government, certainly approved by the Treasury.

The Acting Minister for Finance has questioned me. I wonder if he has any doubts as to the procedure I have described. Is he suggesting that the Treasury do not see the draft report? Is he suggesting that the Treasury do not make their comments and ask for inclusions in the report? If that is his purpose in his remark, then I would ask him to think again.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (MR. MACENZIE): I thank the hon. Member for giving way. I merely would like to say that.

THE SPEAKER (MR. Ferdinand Gaven): (Sits.) You have not yet spoken in this debate, so really you have got nothing to explain, you made a *soffo* remark. I am afraid I cannot allow you to intervene now.

MR. ALEXANDER: All I would ask Mr. Speaker, is that the Minister is a little bit more careful when he interrupts a speaker with the word "question", because if he does I am bound to digress to put him right—to put the House right at the moment whilst it is fresh in people's minds.

The third paragraph of the report contains the Treasury memorandum on the accounts for the year to the 30th June, 1956. Of particular interest in this memorandum is paragraph 13, concerning that old friend the Police Inspectors' mess at Kiganjo. The previous committee, that is the one which reported a year ago, had stated, and I quote (this was the committee of a year ago), on page XII of the report—this is what was said, I quote: "The accounting officer informed us in evidence that he had appointed a court of enquiry, but that this court had not yet been able to

meet. When pressed as to when it would meet we received evasive answers which suggested that there was no immediate likelihood of action being taken. The committee can only take a most serious view of the failure of the accounting officer in this case to ensure that speedy action was taken. It is clear that the delay of some 18 months will make the task of the court of enquiry almost impossible and probably abortive".

The Treasury's reply to that read: "The court of enquiry has now reported to the accounting officer".

In the minutes of the committee held on the 14th May, 1958, concerning this particular matter the Treasury's reply, that is the reply I have just read out, was dealt with in the following words, and I quote: "The unnecessary delay in first of all carrying out the enquiry and now in completing decisions on the report of the court of enquiry is to be deprecated".

The second part of the report, namely the interim report of the Controller and Auditor-General on the Nairobi housing project, is significant, not only for its content but also for the fact that it is, I understand, the first time that the Controller and Auditor-General has carried out an interim audit at the request of the Public Accounts Committee on a matter that the Committee considered of urgent public importance. At a time when waste and extravagance in Government required to be ruthlessly uncovered and properly remedied, it may be necessary for the Public Accounts Committee in the months and the years ahead to request the Auditor to focus his immediate attention specifically on weaknesses and waste that come to the notice of the Committee. For the moment it is timely to think carefully upon the words of the Controller and Auditor-General in the last paragraph of the interim report where he says, and I quote, on page XIII, 4, and this is what the Auditor-General says: "It is not yet possible to assess what the eventual outcome of this project will be. There are however two points which can be commented on at this stage. In the first place this scheme clearly illustrates the difficulties of joint ventures between Government and other parties, and the importance of their receiving firm agreement before either party to such a

[Mr. Alexander] venture is committed to any action. In the second place, it would appear that some of the difficulties might have been avoided had the scheme been handled from the outset by the Ministry of Works, or had it at least been controlled by the Ministry of Works, once the original experimental scheme was abandoned for the more orthodox one now in hand. The Public Accounts Committee recommended in its 1947 report that the Public Works Department should be consulted at the planning stages of all major works. The Nairobi African housing project did not come within the terms of this recommendation, because it was treated as the sole responsibility of the Ministry of Local Government, Health and Housing, and was based on the advice of the technical officers of that Ministry. I am not satisfied that the history of this project has entirely justified the exception which was made to the normal rule".

Paragraphs 8 and 9 of the report are related. They concern the nature of and accounting for the moneys provided by the Government and reveal that certain types of borrowing have not passed to the consolidated fund. The Auditor reports, and I quote an extract from paragraph 6 of his report as follows: "Instances have also come to notice in which short-term borrowings have been paid directly into the Paymaster-General's accounts as deposits, although in my opinion they are clearly of the nature of short-term loans".

In paragraph 7 of his report the Auditor also says—I quote again: "Extensive cash balances which, at the 30th June, 1957, amounted to more than £5,000,000 are held by the Paymaster-General in the form of deposit accounts. These deposits consist of sums appropriated for special purposes. In effect therefore, Government is using these balances to meet its current liabilities".

Mr. Speaker, there are dangers in this. In the legal profession it would be regarded as a crime for a solicitor to use clients' money to finance his own office expenses. I realize, of course, that it may be quite inappropriate to apply such simple rules to governments. Nevertheless the analogy does help to illustrate how serious it would be for our Govern-

ment if it found itself unable to repay money that had been deposited with it in trust, because that is really the meaning of these deposits. It is interesting to observe that at the end of September this year, that is only a few weeks ago, the net deficit on the Exchequer account is some £2,600,000 after having received credit for £1,500,000 from tax reserve certificates and the full sums of £1,500,000 for the whole year from the British Government towards emergency expenditure, although only three months of the year has gone. Without these last two figures, that is the figure of £2,600,000 and £1,500,000, the total deficit would be about £5,500,000. The Committee made two recommendations on this particular subject, as follows: "It is desirable that short-term borrowings should be taken through the Exchequer account. Secondly, the whole question of the funds held by the Paymaster-General should be reviewed by the Treasury".

It would be useful to know, Mr. Speaker, from the Acting Minister for Finance today just what progress has been made with these two recommendations. It would also be revealing for the Minister to take this opportunity to tell the House how the net deficit of £2,600,000, or gross £4,000,000, after adjustment for tax certificates—how this figure has been financed. If such £4,000,000 of deficit include any moneys that are likely to be recalled at short notice, then indeed we may be in for serious financial difficulties.

Paragraph 11, Mr. Speaker, of the report, concerns the whole question of variations to the Development Plan and the extent of the authority of the Treasury in this respect, without reference to this House. The Auditor-General says on it, and I quote: "In my opinion it is not sufficient for material variations to be brought to the notice of the Council merely by footnotes in the accounts or by changes in scheme allocations and values in subsequent estimates". Examples of major variations in recent times have been the Nairobi African housing project and £80,000 for accommodation for the Information Department. The Committee has recommended, and I quote: "Material variations either in projects to be undertaken in the scheme values of existing projects or in the sources of funds should receive

[Mr. Alexander] the prior approval of Legislative Council".

Mr. Speaker, this matter I contend, and the Auditor-General also contends, is of considerable importance and requires early clarification. Perhaps the Minister, when he speaks, can tell us the current ideas of the Treasury in this particular respect.

Paragraph 13 of the report also deals with the same principle. In this instance money originally voted for the Treasury building was used to build district offices at Kilifi. Let me assure hon. Members immediately that there is no truth, no truth whatsoever in the rumours that Treasury allowed this irregularity so as to provide themselves with seaside facilities for their local leave. This rumour, I do know, originally started because it is so generally believed that no one in the Treasury approves the principle of overseas leave.

Paragraph 20 concerns the financing of the Mombasa water supply. At the time of the Budget in May of this year the finance for this had still not been tidied up, and I note that later on we should be dealing with Supplementary Estimate No. 1, when this position, I understand, becomes at last regularized.

Paragraph 21 relates to an amount of over half a million pounds due by the East African Posts and Telecommunications to our Government. In 1951, that is seven years ago, an indefinite moratorium was agreed in respect of this loan, both as to repayment and as to interest. That, as I say, was seven years ago, and the committee—and I am sure this House—consider that this should now be clarified and put on a business-like basis.

The Supplies and Transport Department comes in for mention at paragraph 26 of the report. Perhaps the most important of the committee's observations is contained in these words. I quote: "It is further of the view that it is impossible to assess the value of the Department without having available the whole cost of the Department which would give them a means of comparing prices charged by the Department with those charged outside Government".

Mr. Speaker, from time to time in this House we have heard from the Govern-

ment Benches that this Department has made savings in expenditure. What we have never, never been told is what it has cost to make such savings and whether the net result has really been an advantage. We have never been told whether the Ministry of Works could have made the same or even better savings through their long-established and experienced organization in stores and in transport. It is a widely held opinion that this Supplies and Transport Department is in respect of the non-emergency services largely a waste and an extravagance, and it would be timely for the Auditor-General to look at this with this particular criticism in mind. As we all know, the conception of this Department was to deal with the Emergency services, and it has now grown into a colossus of an empire covering all the activities of Government. I see the Minister for Works—you were shaking your head the one way in agreement with me just now, and when you saw I noticed it you started shaking it the other way. I know, I understand his position very well. There is great confusion inside Government as to the wisdom of the decision in ever having embarked on this folly.

Paragraph 32 of the report concerns the over-payment of salary to a police officer. The most disturbing part of this item is that the committee is not entirely satisfied that the danger of the over-payment of salaries would be completely eliminated by the new arrangements which have been introduced. That particular remark, I think, also applies to salaries in the Education Department at some other stage in the report.

In connexion with paragraph 39 of the report concerning audits by the staff of the Minister for Local Government (I am sorry to see that he has gone out again) it would be helpful to know what progress the Minister for Local Government has made in the provision of an audit service to other departments which are more conveniently handled through his Ministry than through the Auditor-General.

Paragraph 45 relates to the legality of loans to co-operative societies and the need for amending legislation to the Co-operative Societies Ordinance. It may well be that this matter has already been dealt with. I have no recollection of it, but I am sure the House would like to

(Mr. Alexander) know what has been done in this particular matter.

Paragraph 47 reveals a reluctance to create debentures in respect of loans of some £200,000 to the Kenya Meat Commission. Perhaps the Acting Minister for Finance can tell us whether these debentures have now been completed, and whether they are registered and regularized.

The question of contributions by Government to local authorities in lieu of rates arises again in paragraph 52. There is no doubt in my mind that the present arrangements are unsatisfactory. The Committee's comment is that there is room for improvement in this sphere. This is a subject of considerable concern to the Minister for Local Government, and I invite him today to express his ideas on arrangements to be paid promptly. This also concerns our new Minister for Lands, and I am wondering whether he has had an opportunity to look at this particular problem. I do know that the local authorities would welcome an opportunity to discuss it.

The system of collecting school fees at European schools is dealt with in paragraph 56 of the report. The present position is undoubtedly deplorable and the outstandings are far too high. I wonder whether our new Minister for Education has had time to look also at this particular problem and whether he has anything to tell us today. The usefulness of this, Mr. Speaker, is that although we are dealing with accounts of 30th June, 1957, I am sure hon. Members do expect from the Government Benches recent information to put right these types of shortcomings.

Already I have mentioned the need for audits of water loans boards to be done by the Minister for Local Government. Now at paragraph 60 of the report mention is made of the audits of joint boards that administer loans to African traders. It is urgent and important that these audits are undertaken promptly and continuously. I ask again that the Minister for Local Government should explain the present position. Are these audits up to date? And are the affairs of these particular boards entirely in order?

Nearing the end of the report we come to one of the most disquieting and disturbing warnings in it, at paragraph 64. It concerns the payment of £83,460 for Information House in lieu of 12 years' rent. That is the building off Victoria Street that is apparently occupied by the Department of Information.

The payment of this sum through recurrent expenditure in the February and the September of 1957 has been a clever device which has avoided the understood basis and procedure for the development programme and capital expenditure. I am of the opinion that this action must—it must—be condemned by Government Ministers.

Consideration of priorities in capital expenditure has clearly been defeated by this process, and I trust that we will receive an assurance from the Chief Secretary that it will not happen again.

May I finish, Mr. Speaker, by expressing the appreciation of the Committee, and I hope of all hon. Members, to the Controller and Auditor-General and to his staff for conscientious, thorough, and objective work.

Sir, I beg to move.

SIR CHARLES MARKHAM seconded.

Question proposed.

MR. PANDYA: Mr. Speaker, I would like first of all to associate myself with the remarks and observations of the hon. Mover in paying tribute to a former Chairman of this Committee who has served not only this Committee but this House with such ability, enthusiasm and distinction. His guidance and knack of emphasizing the main points in the working of this Committee have been the main features which have been responsible for the success of the deliberations of that Committee. He will be much missed in the future working of this Committee in the years to come.

I would also like to take this opportunity, Sir, of paying tribute to a former Nominated Member of this House, the hon. Mr. Riddoch, whose wide experience was of immense value to the deliberations of this Committee.

Now, Sir, the hon. Mover in his presentation of the Report of the Public Accounts Committee has covered very

(Mr. Pandya) comprehensively the main features of the report. I cannot substantially say anything new but I do wish to emphasize some of the matters that were referred to time and again in the examination of the accounting officers.

I went through the Reports of the Public Accounts Committees of previous years, being a comparatively new member of this Committee, and I am sorry to say it gave me a sense of frustration to find that no obvious regard was paid to the many recommendations and observations contained in these reports. Indeed, the same matters, the same arguments, came up for discussion and for ventilation. It seemed that no visible action was taken by the various departments to remedy a state of affairs that was troubling the minds of the public. One felt Sir that much of the value of the work of this Committee was ignored and that officers did not seem to appreciate the urgency and importance of the recommendations of this Committee.

It was also apparent that there was confusion in the understanding of Financial Orders and I am glad that instructions to replace the existing Financial Orders have been issued. I trust Sir that they are in direct language, capable of easy interpretation, and that they will succeed for the purpose for which they are intended. We will know what effect they will have when this Committee meets again next year to consider the Report of the Public Accounts Committee for the year ending June, 1958.

I will not take the time of the House by commenting on all the phases that have appeared in the report. I think the departments of Police and Prisons do need special mention. Their expenditure is the largest of any Government department and they come in for most serious criticism, not only in the manner that they spend their money but because of their total disregard of definite and clear instructions. A tighter control within them is absolutely necessary and there is a need to see that possible loopholes must be closed and rules of using public money must be rigorously observed. The systems that have been

devised must be adhered to and improved upon in practice.

A glaring example of failure has been pointed out by the hon. Member with regard to the Police Mess at Kiganjo. It took a long time for the enquiry to be carried out and although I understand that a report has been made we do not yet know the contents of this report.

While I am on this subject, Sir, I would like to point out to hon. Members one or two other facts which I think deserve mention.

Paragraph 28 of the Report refers to Prisons—Purchase of Motor Launch. It is too ridiculous to imagine how this matter could have been finalized in such a sorry manner. I would like to quote the observations of the Committee.

"The Committee is of the view that there should be some properly laid down method of purchasing items which call for specialized knowledge. In this case it would have been preferable had the Railway authorities been asked to undertake the purchase rather than merely to advise thereon. In this way responsibility for the care of the property would have rested squarely on persons capable of assessing the value of the property in their charge.

As things in fact stood, adequate precautions were not taken to preserve the engine because there seemed to be nobody directly responsible for its care."

The other glaring instance, of such neglect, Mr. Speaker, is commented on in paragraph 29—Prisons—Purchase of Beans. That is also a rather humorous incident:—

"The officer in charge in this case signed delivery certificates and paid for goods which had not in fact been delivered. Furthermore he did not know the difference between the article ordered and the article which was in fact ultimately supplied. It is suggested that the acceptance of tenders should be subject to the goods delivered complying with samples previously submitted, and that the officer receiving the goods should be supplied with a sample of the goods in question."

One would have thought that such elementary rules were followed in any

(Mr. Pandya) Government department, Sir, but it relates in this particular instance to the Prisons Department.

Paragraph 33, Sir, refers to Police Department—Motor-car Advances. These were the observations of the Committee:—

"It would appear to the Committee that there should be great care taken when making advances that the length of service of the applicant and such other forms of security against the payment had been taken into account. At the present time it would appear to be doubtful whether sufficient security exists to guarantee payment to Government in the event of the default on the part of the officer by reason of dismissal or other causes."

That, Sir, deals with the Departments of Police and Prisons.

Now, Sir, I would like to quote paragraph 10 which refers to reimbursable expenditure. In effect, Sir, it means that the Colony should not be committed to meet expenditure which was to be met from other sources—that the terms and conditions should be strictly adhered to so that there should be no necessity at a later date to meet a commitment of this sort from the Colony funds. The Controller and Auditor-General made lengthy observations on this. I do not want to go into the matter in any detail but I would like to quote the observations of the Committee.

"The Committee recommends that the terms and conditions of schemes financed from outside sources should be strictly adhered to so that the Colony funds will not be called upon to meet expenditure originally approved on the grounds that it will be reimbursed, and that, if for any reason the expenditure so authorized will not be reimbursed the attention of the Legislature should be drawn without delay to the amount and nature of expenditure together with the details of any commitments involved."

I now move on to paragraph 36 of the Report. There was the question of purchase of refrigerators, and I feel, Sir, that the authority of the Treasury should be obtained where the instructions with regard to purchases of this nature are

not clear and where such authority is not provided in the regulations.

With regard to paragraph 40, Sir, the observations of the Committee refer to the Karara Dam—Department of Agriculture:—

"The Committee notes that an enquiry which had been suggested by the Treasury but that the Accounting Officer had preferred to deal with this matter by way of memorandum."

I feel, Sir, that when the Treasury suggests that a particular procedure should be followed it should be incumbent on the Accounting Officer to carry out that procedure instead of showing his own preference for a different type of procedure. If such matters need authority then the decision of the Treasury should be final.

Finally, Sir, I would like to refer to paragraph 66, which is the final paragraph of the Report and which refers to the staff position. This causes much concern and I feel, Sir, that we must fill up the jobs with the right type of people, for unless we do that it is no use having excellent systems if people are not able to work according to the requirements. It has also been suggested several times that in many cases the salary scales are not adequate to attract the right type of people for this difficult type of job—the worst competitor being of course commerce, where better opportunities and better scales of salary are offered. Commerce, if I may say so, Sir, would never tolerate inefficient people. It always considers merit and ability as the criterion and pays salary scales accordingly. I feel that the same principle should apply in the public service; if it did I am sure that the difficulties which have been found in recruiting the right type of people for this Department would be overcome.

With those few observations, Mr. Speaker, Sir, I beg to support the Motion.

MR. TRAVADI: Mr. Speaker, Sir, after having read through this voluminous Public Accounts Committee Report I find that each Ministry has an internal audit regularly carried on. I noticed this more particularly when I was reading the Department of Education expenditure on page 136 of the Report; and by reading pages 866 and 867 and 868 and

[Mr. Harney] It appeared that the report made on the official auditor does not seem to have been supplied automatically to the Controller and Auditor-General.

On page 158, in paragraph 275 it is said that if there is any specific enquiry then naturally the report of that specific enquiry is sent to the Auditor-General. The statement which the general auditor goes on to the industrial Department is that the balance of fuel supplied with respect to vehicles. I naturally Sir would therefore like to submit that if even that the copy of the official auditor's report should be at the hands of the Auditor-General before he goes to check on the accounts.

The Report Mr. Speaker gives a lot of information. It is a document worth reading through. I give information about the more working and spending of the Government's money and I would suggest that the Report should not only be published but that it should be sent to the members of the House with thanks.

MR. SPEAKER: Mr. Speaker, Sir, a member of the Committee I should like to say that I am very glad that this report of the Controller and Auditor-General is so good. I think the Public Accounts Committee should be noted in its opinion and I think it should be read by Members and I suggest it seems to me that some of the Members who spoke before me thought that the Members were unable to read and therefore that it should be read out. Sir, paragraph by paragraph.

I should like to associate myself very much indeed with the compliments that have been paid to the hon. and gallant gentleman who is lighting his light under the public gallery. Undoubtedly, Sir, he has a special flair for straightening out these financial problems and we should all be most grateful to him.

Sir, the Resolution says that the Report of the Public Accounts Committee be noted; and I hope it will be. But there is one thing I want to say that is that I hope that in the noting of the Report things will be kept in perspective. I have noticed that in previous years the Press and the public have given special prominence to the remarks that have been made in this particular debate; and a

word of warning needs to be issued. I think.

The hon. Member has quoted what he has mentioned sums, an *enormous* sum running into millions of pounds. I think hon. Members should remember that the does not mean to say that millions of pounds have been squandered. It simply means that there have been some parts in the accounting procedure regarding those sums. It may well be that the public would think that those sums have been mispent; I do not think that anything is mispent; but it may have been so accounted in some technical aspect.

As regards the other points that have come up, Sir, it has to be remembered that the investigation into the public accounts is a very one-sided affair. This investigation into the things that have gone wrong. There is nothing in it about all the things that have gone right. The basis of the Report is the Report of the Auditor and Controller-General—the things that have failed to have gone wrong in the previous year. His Report rather reminds me of a stock track across the plain, dotted with carcasses. Some of them are merely heaps of whitened bones, more or less covered by the sand; others are neatly covered, but so white that they are covered, and some quite frankly Sir, that nevertheless they are individual carcasses alongside the trail, which have been flung by the Auditor and Controller-General. It does not mean to say that the whole plain is littered fatuous deep with dead cows. There is not a very great deal wrong with the spending departments, in my opinion, Sir. They are very conscientious.

I want to say one thing which I would like all hon. Members to remember—a thing which might have been said in other debates which have taken place during these last few days. These people who are spending the money are civil servants, but they also are taxpayers themselves. Their own pocket is affected; and they do exercise care. The thing which has impressed me during my last few years on this Public Accounts Committee is that progress is being made. I have seen the progress which has been made. Better financial officers are being trained and seconded from the Treasury to look after the finances of the various departments. The Accounting Officers are becoming more responsible. Better and

[Capt. Hamley] clearer instructions are being issued by the Treasury; and I do not think that we need be unduly alarmed about the spending of our money. It is quite right that the hon. Member should bring these points to notice. It is quite right that these things should be stressed in the Public Accounts Committee; but I do ask that hon. Members keep a sense of proportion and not say, because of what they read in the Report of the Public Accounts Committee, that all is rotten in the State of Denmark—because it is not.

Sir, I beg to support

MR. USHER: Mr. Speaker, Sir, the concluding paragraphs of the report deal with the collection of revenue, and particularly with the collection of personal tax, and there is a point arising from something I had to say in this House the other day which I should now rather like to pursue.

The collection of personal tax is an onerous business. It used to be in the hands of the District Commissioners and the district officers. It has now rather moved out of their hands into those of the police. Sir, I think it is very well known to this House that there is machinery for claiming exemption and remission. It is, therefore, rather surprising to see the large number of people who are put into Cap. 80 detention camps for non-payment of tax. It is the case that in 1955 the number put in—and I am quoting now from the Treatment of Offenders Reports—was 8,272. In 1956 it was 12,689, and in 1957 it was 17,602. Now, that may indicate increased zeal on the part of the collecting authorities; if that is so, then perhaps it is all to the good. But what worries me, Sir, is whether distress is levied. What I really mean is whether a serious attempt is made to make the necessary levy by distress, because, Sir, we are not only losing this amount of tax but we are also incurring the cost of keeping those people who are so incarcerated. In my experience, Sir, I have found that there is not a great deal of zeal when it comes to levy by distress; and it may be that the revenue authority concerned, who happens at the same time to be the Minister for African Affairs, may feel that a little ginger should be applied in that direction. Perhaps he will inform us what the true position is and whether he would agree with me that better results ought to be obtainable.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. MacKenzie): Mr. Speaker, Sir, I would like to join with the other hon. Members who have spoken in this debate in paying my tribute to Col. Gherrie, as chairman of the Public Accounts Committee. He has been chairman, Sir, all the time that I have been Secretary of the Treasury, and I must say that I have always found that we in the Treasury and all other Government officers who have appeared before the Committee have invariably been treated with his accustomed courtesy and fairness. We shall miss him, Sir, now that he has moved on to other and more exalted places. We shall miss him very much, Sir; and as I say, at this time and from this Bench, I would like him to know how much we all have appreciated his chairmanship.

Now, Sir, my hon. friend, the Nominated Member who has just spoken has said most of the things which I might have said in this debate and there is only one small point I would like to mention, and that is as my hon. friend, the Member for Nairobi West, has said and he was quite correct in saying this, that the procedure in regard to the draft report is that it is sent, among other places, to the Treasury in order that we might have a look at it. I think that the Treasury generally sends it back with some comments. I think he probably misunderstood me when I questioned him. I was not questioning the fact that that was the procedure. The 'only point' I wanted to make and which I want to make now is that although the Treasury looks at the contents and makes certain comments and agrees particularly on factual points in the report, Sir, that does not necessarily mean that the Treasury either agrees or disagrees with the substance of the report. The Treasury's views on that, Sir, are contained in the Treasury Memorandum which is submitted to the committee at its meeting in the following year.

Now, Sir, a very good custom has grown up in the United Kingdom over the last 100 years or so whereby the report of the Public Accounts Committee is not debated on the Floor of the House. I think that hon. Members, thinking over what has been said in speeches today, and looking at the report itself which is carefully reasoned and quite large and

[Mr. Travadi]

869 it appeared that the report made by the internal auditor does not seem to have been supplied automatically to the Controller and Auditor-General.

On page 138, in paragraph 875, it is said that if there is any specific enquiry then naturally the report of that specific enquiry is sent to the Auditor-General, but otherwise when the general audit goes on in the ministerial department he is not, as a matter of fact, supplied with a copy in advance. I naturally, Sir, would therefore like to submit that in every place the copy of the internal auditor's report should be in the hands of the Auditor-General before he goes to check up on the accounts.

This Report, Mr. Speaker, gives a lot of information. It is a document worth reading through. It gives information about the inside working and spending of the Government money; and I would suggest that this Report should not only be noted but, if I may be allowed to say so, that it should be noted with thanks.

CAPTAIN HAMLEY: Mr. Speaker, Sir, as a member of the Committee I should like to say a very few words from this side of the Chamber. I want to be very brief because the Resolution says that this Report of the Public Accounts Committee should be noted, which in my opinion means that it should be read by Members and digested. It seems to me that some hon. Members who spoke before me thought that hon. Members were unable to read and therefore that it should be read out, Sir, paragraph by paragraph.

I should like to associate myself very much indeed with the compliments that have been paid to the hon. and gallant gentleman who is hiding his light under the public gallery. Undoubtedly, Sir, he has a special flair for straightening out these financial problems and we should all be most grateful to him.

Sir, the Resolution says that the Report of the Public Accounts Committee be noted; and I hope it will be. But there is one thing I want to say—that is that I hope that in the noting of the Report things will be kept in perspective. I have noticed that in previous years the Press and the public have given special prominence to the remarks that have been made in this particular debate; and a

word of warning needs to be sounded, I think.

The hon. Mover has quoted cases. He has mentioned sums, in some cases, running into millions of pounds. I think hon. Members should remember that that does not mean to say that millions of pounds have been squandered. It merely means that there have been some 'quirks' in the accounting procedure regarding those sums. It may well be that the public would think that those sums have been misspent. I do not think that anything is misspent; but it may have been mis-accounted in some technical aspect.

As regards the other points that have come up, Sir, it has to be remembered that the investigation into the public accounts is a very one-sided affair. It is an investigation into the things that have gone wrong. There is nothing in it about all the things that have gone right. The basis of this Report is the Report of the Auditor and Controller-General—the things he has found to have gone wrong in the previous year. His Report rather reminds me of a stock rack across the plains, dotted with carcasses. Some of them are merely heaps of whitened bones, more of less covered by the sand, others are heaps of bones, not so white and not so covered; and some, quite frankly, Sir, stink. But nevertheless they are individual carcasses alongside the trail, which have been flagged by the Auditor and Controller-General. It does not mean to say that the whole plain is littered fathoms deep with dead cows. There is not a very great deal wrong with the spending departments, in my opinion, Sir. They are very conscientious.

I want to say one thing which I would like all hon. Members to remember—a thing which might have been said in other debates which have taken place during these last few days. These people who are spending the money are civil servants, but they also are taxpayers themselves. Their own pocket is affected; and they do exercise care. The thing which has impressed me during my last few years on this Public Accounts Committee is that progress is being made. I have seen the progress which has been made. Better financial officers are being trained and seconded from the Treasury to look after the finances of the various departments. The Accounting Officers are becoming more responsible. Better and

[Capt. Hamley] clearer instructions are being issued by the Treasury; and I do not think that we need be unduly alarmed about the spending of our money. It is quite right that the hon. Mover should bring these points to notice. It is quite right that these things should be stressed in the Public Accounts Committee; but I do ask that hon. Members keep a sense of proportion and not say, because of what they read in the Report of the Public Accounts Committee, that all is rotten in the State of Denmark—because it is not. Sir, I beg to support.

MR. USHER: Mr. Speaker, Sir, the concluding paragraphs of the report deal with the collection of revenue, and particularly with the collection of personal tax, and there is a point arising from something I had to say in this House the other day which I should now rather like to pursue.

The collection of personal tax is an onerous business. It used to be in the hands of the District Commissioners and the district officers. It has now rather moved out of their hands into those of the police. Sir, I think it is very well known to this House that there is machinery for claiming exemption and remission. It is, therefore, rather surprising to see the large number of people who are put into Cap. 80 detention camps for non-payment of tax. It is the case that in 1955 the number put in—and I am quoting now from the Treatment of Offenders Reports—was 8,272. In 1956 it was 12,688, and in 1957 it was 17,502. Now, that may indicate increased zeal on the part of the collecting authorities; if that is so, then perhaps it is all to the good. But what worries me, Sir, is whether distress is levied. What I really mean is whether a serious attempt is made to make the necessary levy by distress, because, Sir, we are not only losing this amount of tax but we are also incurring the cost of keeping those people who are so incarcerated. In my experience, Sir, I have found that there is not a great deal of zeal when it comes to levy by distress; and it may be that the revenue authority concerned, who happens at the same time to be the Minister for African Affairs, may feel that a little ginger should be applied in that direction. Perhaps he will inform us what the true position is and whether he would agree with me that better results ought to be obtainable.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I would like to join with the other hon. Members who have spoken in this debate in paying my tribute to Col. Gherle, as chairman of the Public Accounts Committee. He has been chairman, Sir, all the time that I have been Secretary of the Treasury, and I must say that I have always found that we in the Treasury and all other Government officers who have appeared before the Committee have invariably been treated with his accustomed courtesy and fairness. We shall miss him, Sir, now that he has moved on to other and more exalted places. We shall miss him very much, Sir; and as I say, at this time and from this Bench, I would like him to know how much we all have appreciated his chairmanship.

Now, Sir, my hon. friend, the Nominated Member who has just spoken has said most of the things which I might have said in this debate and there is only one small point I would like to mention, and that is as my hon. friend, the Member for Nairobi West, has said, and he was quite correct in saying this, that the procedure in regard to the draft report is that it is sent, among other places, to the Treasury in order that we might have a look at it. I think that the Treasury generally sends it back with some comments. I think he probably misunderstood me when I questioned him. I was not questioning the fact that that was the procedure. The only point I wanted to make and which I want to make now is that although the Treasury looks at the contents and makes certain comments and agrees particularly on factual points in the report, Sir, that does not necessarily mean that the Treasury either agrees or disagrees with the substance of the report. The Treasury's views on that, Sir, are contained in the Treasury Memorandum which is submitted to the committee at its meeting in the following year.

Now, Sir, a very good custom has grown up in the United Kingdom over the last 100 years or so whereby the report of the Public Accounts Committee is not debated on the Floor of the House. I think that hon. Members, thinking over what has been said in speeches today, and looking at the report itself which is carefully reasoned and quite large and

[The Temporary Minister for Finance and Development]

deals relatively shortly with a large number of topics, will probably agree that the House of Commons has as usual shown itself very wise in adopting that attitude.

This is a very carefully written report and it is only possible to do justice to it in a written reply. It would be quite impossible to attempt to deal with all the points made in it in a speech here, any more than it would be possible to be briefed about all the points that might possibly be raised during the course of a debate of this kind.

In the circumstances, Sir, I must ask the House to accept my assurance that the points raised in the report are at present receiving consideration and that in the normal way they will be answered in the Treasury memorandum which will be submitted to the Committee at its next meeting.

Sir, I beg to support

MR. ALEXANDER: Mr. Speaker, my friend, the Member for Central Area, has gone out, but just for the record, on the point that he raised in connexion with overpayments of emoluments as regards the Education Department I would just refer him to page XXV and the Committee's remarks on paragraph 4 of the report. This is what it says: "Although it is noted that the position is considerably improved, nevertheless the Committee still feels that the arrangements for internal checks and control over personal emoluments in the Education Department are not entirely satisfactory". I hope that answers some of his anxiety.

My friend, the Nominated Member from the seaside, opposite, made his usual very useful and forthright contribution to this debate and did help to place in perspective the whole purpose of this report. He did say, in connexion, I think, with my point about the use of moneys in trust, that they had not been mispent. I do not think anywhere I suggested that they had been mispent, what I was anxious for hon. Members to realize is that they are not being misused. That would indeed be serious. There is always a temptation, when money is lying in trust, for it to be used against expenses, not only in Government but in other places.

He did go on to say that this report does not convey that all is rotten in the state of Denmark. He is quite right, and what is focussed really is the very responsible nature of this particular report. It has the advantage of having a careful eye, an expert eye, on it in the first place, going through it, investigating it thoroughly and carefully, and reliably and objectively reporting to you, Sir, and to this House. That places the Auditor-General on his guard, because he knows that whatever he puts down is open to the scrutiny of Members of this House, and he attempts to make certain, and invariably does so—I do not know any case where he has been uncertain—that the information he is giving us is thoroughly reliable and honest. It is a great pity that so much more of the information that we have to rely on in this House does not have always that expert eye on it before it comes to us.

The Temporary Minister for Finance did explain that the Treasury position in this matter is that they do not necessarily disagree or agree with the contents of the report. I would just like to complete his information, Sir, so that we get this completely right: of course, the Treasury member is a part of the Committee, he takes part in the decisions and agrees with the minutes of the Committee. I know of no occasion, so far, at any rate, as this report is concerned, of the Treasury representative having disagreed with the minutes or having put in a minority objection to the minutes, on which the wording of the report is based.

He did go on to explain to us how this is not debated in the House of Commons, and it may well be that it would be wise for us to move to that particular system. My friend, the Nominated Member from the coast, did suggest at the beginning that previous speakers to him had thought it their duty to recount what was already in the report in case people had not seen it. As there has only been myself and one other speaker, I must take that criticism as aimed at me. Yes, he is quite right, I did regard it as my duty to try to highlight certain important matters in this report, but it may well be that we would be wiser in not debating the report in this House. However—and here again I would like to complete the information of the Temporary Minister for Finance—that they do do

[Mr. Alexander]

in the House of Commons is to take out of the report specific items and put Motions down on them and have them specifically debated. That is perhaps what we ought to do in this House. With that I would agree.

I beg to move.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., O.C. in the Chair]

MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1958/59

THE TEMPORARY MINISTER FOR FINANCE (Mr. Mackenzie): Mr. Chairman, I beg to move that a sum not exceeding £73,784 be granted to the Governor on account for, or towards, defraying the charges of Supplementary Estimates No 1 of 1958/59.

Question proposed.

NOTE 17—PENSIONS AND GRATUITIES

SIR CHARLES MARKHAM: I make no apology, Mr. Chairman, for getting up. This is one of the few times when the Opposition does get a bit of fun.

Would the Temporary Minister for Finance explain the question of how you can charge interest at bank rates which are variable in Kenya? Presumably if someone has an advance they should know at what rate of interest that advance will be made.

Actually, I have got a second point. Sir, but perhaps he can answer that one first.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The bank rate, Sir, at the time at which the advance is made.

SIR CHARLES MARKHAM: Sir, my second go then is: in other words, because Kenya is penalized in having to pay a higher bank rate than England, the person who gets an advance—I see the Minister is being briefed; he has obviously got a correction to make.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I thank the hon. Member for giving way. I think he ought to know that the bank rate to which I referred is the British bank rate and not any local so-called bank rate.

SIR CHARLES MARKHAM: Sir, I am very grateful for those words being put, Sir, and I hope the Press will notice them—so-called bank rate.

Sir, would the Minister tell us then what is the position as regards the fluctuating rate? If it goes down, and someone has an advance at a higher rate of interest, do they get the benefit of that reduction?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir, the rate which will apply to any one advance will be that which is applicable at the time that the advance is made.

Vote 17 agreed to.

Vote 22 agreed to.

NOTE 24—MILITARY

SIR CHARLES MARKHAM: Sir, would the Minister tell us what guns we propose to buy? Are they 25-pounders? And if so, how many? It seems a very small amount, £200. They must be very old derelict ones.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The answer is four. I am uncertain of their bore or calibre, but the hon. Member is himself a cavalry officer and will have seen them in action up at Government House on the Queen's Birthday parade. The cost is £25 each; they were valued as scrap metal and they are in perfect condition. They are an excellent bargain.

Vote 24 agreed to.

Vote 26 agreed to.

NOTE 27—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

SIR CHARLES MARKHAM: As the Minister interrupted me a few moments ago, Sir, I will make him do a bit of work on this one now!

[Sir Charles Markham]

Would he tell us, Sir, exactly what he proposes to buy for £601 for Mombasa Municipality?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Yes, Sir, certainly, a mace.

SIR CHARLES MARKHAM: It does seem very expensive, Mr. Chairman, one mace, for the Municipality, in view of the stringent financial difficulties Government finds itself in.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): The hon. Member should appreciate the expense of keeping local government going and the prestige local government is required to maintain. If the hon. Member had looked back at his HANSARD he would have noticed that Nakuru had a mace presented to them in 1952, at that time it cost £500, and I think he will appreciate that the increase in values from 1952 to this time justifies the present charge of £600.

Note 27 agreed to.

Notes 31 and 32 agreed to.

NOTE 38—MINISTRY OF WORKS

MR. ALEXANDER: I would like to mention both A and D. It does say that in both these cases this preliminary work on the Contractor Finance Scheme will be reimbursed by the Road Authority; in fact, the Appropriations-in-Aid show a sum of £17,169 that will be reimbursed. I am seeking information, Sir: could I know how the Road Authority gets its money for that reimbursement. Will it get this money out of the capital that will be put into this scheme? And therefore is it right for me to assume that this £17,169 will become capital expenditure through the Road Authority?

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, the only answer I can give the hon. Member is this: that where this work is being done on the particular road finance scheme, the incurred amount will be debited to the capital we are borrowing, and it will be put against that. But there may be a small item of some expenditure which is partly administrative work and that is why there is a difference of £3 which is not at the

moment easy to estimate. That is why it is £3 as a token.

MR. ALEXANDER: Mr. Chairman, I am grateful for that reply. From it I understand that this does become a capital cost, the capital cost of this scheme.

May I ask now whether any of this money is to be recovered from those who contract in the scheme, and if not, why not?

MR. BUTTER: Sir, I think I can possibly satisfy the hon. Member on the first point. The money to pay the staff which we are asked to approve in this Supplementary Estimate will be found by the Road Authority from the provision voted in the Road Authority Capital Estimates for the current year. That is the only source from which the Road Authority can meet the cost of employing this staff.

The other point was why should the cost of the staff not be recovered from the contractors. The answer to that is that unfortunately contractors are not prepared to pay Government for the staff which supervises their work.

Note 38 agreed to.

NOTE 41—COUNCIL OF STATE

SIR CHARLES MARKHAM: Sir, could perhaps whoever is the accounting officer—I do not know who it is so far as this Council is concerned—explain why this Estimate has come before us? We had one, Sir, the last time. There was a Supplementary Estimate for the Council of State.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Chairman, we did not. The Council of State so far has been operating on an advance account from the Civil Contingencies Fund and this is in order to make this properly legal.

SIR CHARLES MARKHAM: What did we debate last time then? Because I remember the hon. Member for the Coast querying the question of allowances. Sir, could I get that point clear?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes, Sir. The point is that last time we were taking a Supplementary Estimate for the year of account

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1957/58, and as the Council of State was brought into being during that year it was necessary to take a Supplementary Estimate to cover the expenditure over the past year. The present Supplementary Estimate covers expenditure during this year: it was not possible to vote this sum in the Annual Estimates for 1958/59 because they were printed before the arrangements were finalized, and that is the reason why it has been necessary to pay for the Council of State during the current year from the Civil Contingencies Fund. The purpose of this Estimate is to enable the Fund to be reimbursed.

MR. ALEXANDER: Mr. Chairman, Personal Emoluments. I am concerning myself with the work that has to be done by the members of the Council of State and seeking clarification on one very important issue which, so far as I know, has never been placed on record. I stand to be corrected. My understanding is that the Council of State is not permitted to deal with or to look at current legislation which may be discriminatory. Now this is not by way of criticism, but I am merely wanting to get it on record that that is, in fact, the situation.

MR. WEBB (Acting Solicitor-General): Mr. Chairman, I think the functions of the Council of State with regard to legislation are entirely limited to Bills which have been published. Their function arises when a Bill which it is proposed to introduce into this House is published. Then they have a period in which to take action on it if they are so advised.

With regard to subsidiary legislation, rules and regulations, they also have a function, but that again only arises when the subsidiary legislation has been made and, if it is published in the Gazette, after it has been published.

If that is what the hon. Member means by current legislation, I think that is the position.

MR. ALEXANDER: Mr. Chairman, I am very grateful for that thorough reply. Just to complete my information, may I ask this: if amending legislation is brought in, does that enable or permit the Council of State to review the whole of the substantive legislation that is in existence?

MR. WEBB (Acting Solicitor-General): Mr. Chairman, I think the answer to that question, which is not without difficulty, is "No". It does not give the Council of State power to start a review of the entire substantive legislation, because the powers of the Council of State are very explicitly set forth in the Kenya (Constitution) Order in Council, 1958, and they only relate to actual Bills published.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Chairman, the hon. Member, when he rose, mentioned Personal Emoluments. Did he have a point on Personal Emoluments?

MR. ALEXANDER: Mr. Chairman, I do believe it is customary for us to use the most appropriate heading to seek information.

MR. COOKE: Why honoraria? Is it to avoid Income Tax?

THE CHIEF SECRETARY (Mr. Coutts): Honoraria: Chairman, £350; Deputy Chairman, £250; nine members at £200 each—£1,800. Total, £2,400. Travelling allowances for members, £2,106; subsistence allowance, £650; attendance allowance, £700.

MR. COOKE: What is the allowance per day, attendance allowance?

THE CHIEF SECRETARY (Mr. Coutts): £44—or £4 a day—the same as in Legislative Council.

Note 41 agreed to.

NOTE 42—OFFICE OF THE MINISTER FOR TOURISM AND COMMON SERVICES

LT.-COL. MCKENZIE: Mr. Chairman, may I ask what is meant by A.6—Reliefs? It is in the plural and it is only £80. What does it relieve? The Minister, when he is taking V.I.P.s on tour, or what? Could he explain just what it is?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Reliefs arise out of the smallness of the ministerial staff, in case one of the two stenographers is ill for any appreciable time so we can engage outside assistance.

LT.-COL. MCKENZIE: Mr. Chairman, my second question is: I wonder if the Minister would be prepared to elaborate on what he means by important visitors in C.2. Is that V.I.P.s and what type of tour do these important visitors go on?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Chairman, we have not had any yet, but we feel it is wise to make provision for important visitors who may influence the tourist trade to Kenya. We have had one who has been of considerable assistance to the development of tourism in Kenya, who was the African representative of a well-known magazine and who recently issued in a journal called *Journal des Voyages*, a special edition on Kenya. We provided a certain amount of assistance for that gentleman and it is visitors of that kind who would be likely to be able to assist the development of tourism.

MR. ALEXANDER: Mr. Chairman, before I come to my question, I would like to take this opportunity, particularly to avoid any misunderstanding, to congratulate the Minister for Tourism on the very effective and enthusiastic way that he has taken control of his Ministry and on the work he is doing.

But now I come to the question in my mind. Turning to A on page 12, I see that we have to pay for a Permanent Secretary, an Assistant Secretary, three Executive Staff, one Subordinate Staff. Now I am not querying for one moment one need of the Minister to have this staff but two questions do arise. Looking through this I do not see any saving in another Ministry. This responsibility previously was, I believe, undertaken by the Ministry for Commerce and Industry and I do not see in here—I may have missed it—an adjustment to his Ministry.

Secondly, Mr. Chairman, what does worry many of us—and it is certainly worrying the public—is whether there is opportunity and tendencies for Empire building within Government. Now I know we have been told *ad nauseum* that Government are looking at all this and that they are going to bring us a report on the economies that they recommend. Nevertheless, I wonder if the Minister could tell us, give us an assurance, that his Ministry will not expand in staff and in commitments beyond what we are providing for here. I think an assurance of that kind from him would help to dispel much of the disquiet that is in people's minds.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Chairman, first of all, I would like to

assure the hon. Member that there is a book which has a prominent place on the bookshelf in my office, and that is *Parkinson's Law*; and I do read it from time to time.

With regard to the question of personnel in the Ministry, the first point I would like to make is that the provision here is not fully implemented, and there is one office assistant who has not yet been recruited, he may or may not be. But I do assure him that we shall not build up staff more than is warranted by the work which we are undertaking. It would be very difficult at the moment to say to what extent this Ministry will expand and we are not integrating the Ministry at the present time until we can foresee more clearly whether it will be in the interests of the Colony that it should be integrated or not. We would like to see the extent to which the Supply and Transport Organization will grow, we would like to be able to see more clearly the future of the work which will be required on tourism. It may possibly be that we shall see that in another six months, I can assure the hon. Member that all the members of this Ministry are very fully occupied. It may then be that the work on tourism will decline. I would therefore ask him to bear with me on this and be patient because we are watching the growth extremely carefully and we shall certainly cut our coat according to the cloth necessary to carry out the work efficiently.

It would be difficult to give him the specific assurance he asked for, that the Ministry would not expand to any greater extent than is catered for in the Supplementary Estimate at the present time, but the situation is being very carefully watched.

MR. ALEXANDER: Mr. Chairman, the Minister did not answer one other part of my question. That is, whether he has got any credit—I mean financial credit—from the Minister—and I am glad to see he has come back amongst us, the Minister for Commerce and Industry, who has been relieved of certain responsibilities with the undertaking of this Ministry by the present Minister.

Now, secondly, if I may put my question regarding tourism in another way: Would the Minister agree that so far as tourism is concerned—and this does not relate to Supplies and Transport

(Mr. Alexander) for which, quite frankly, I can raise no enthusiasm whatsoever, but so far as tourism is concerned, would he agree that what is needed (and I have congratulated him on his enthusiasm and initiative) is the personal guidance and drive and imagination of himself mainly and one or two people in his Ministry, to get other people to do the work: hotels, travel associations, national parks and the rest of it. We do not want him becoming a super-tourist, but what we do want is a lot of imagination without any extra cost; getting other people to do the work.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Answering the second question first, Mr. Chairman, the answer is in the affirmative: that is the policy of the Ministry. We are trying to work by disseminating ideas, giving encouragement where we think it is justified, co-ordinating supply and demand—such as the supply of the facilities for tourists with the demand by the tourists; those are the functions of the Ministry rather than that it should become a big spending department. That is not the intention. I give the hon. Member that assurance.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I have great pleasure in answering the hon. Member. In the first place, he will remember that one of the principal functions of my friend is in connexion with hotels. If the hon. Member casts his mind back, as he often does, he will remember that the Hotel Control Authority staff—all those officers and the cost of that organization have been transferred from my Ministry to my hon. friend's Ministry.

As regards my Ministry, Assistant Secretaries in their number are very small, it is almost a unique record as their numbers are about the same as they were nearly ten years ago.

MR. ALEXANDER: Hear, hear!

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Yes, There, Sir, it has not been possible to transfer one of my three assistant secretaries as it is not possible to divide assistant secretaries into half. My hon. friend no doubt will agree with me that it would

not be proper to remove one of those three in view of the very considerable additional work that they have been able to do in relation to the promotion of industrial development since my hon. friend took over the province of tourism.

MR. ALEXANDER: This is really enlightening, and I am wondering if the Minister for Commerce, now having been drawn on this, could tell us whether he has been able to pass over this inspiration to his colleagues as to how to keep their ministries the same size as they were ten years ago because if he did that, he is a very valuable servant to the country.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, through long experience, I have found that it is quite a good idea to mind my own business!

SIR CHARLES MARKHAM: Sir, could I ask the Minister for Tourism a bit more about C1. This £5,000 which is going to be spent on a document about tourism? What exactly is intended, Sir? It is quite a lot of money, and already a fair amount of paper is circulating about Kenya, some of which is pretty useless.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): If the hon. Member, Mr. Chairman, will give us more details of the brochure which caused his abusive remark at the end of his question, I shall be very glad to take it up. Under this item, C1, what we intend to do this year is to produce a film, the main theme of which will be the various fishing attractions in Kenya. This will include sea fishing, fishing up-country and in the lake, and will cost some £1,250. In addition we wish, if possible, to have copies made of existing films, so that we can satisfy the growing demand for these. It may even be necessary to postpone the new film so that we can have sufficient of these copies made.

In accordance with the agreement by the other territories recently, the territorial Governments have undertaken to provide the East African Tourist Travel Association with their own territorial brochures. That is expected to cost somewhere in the region of between £3,000 and £4,000 per year. A new brochure is

(The Minister for Tourism and Common Services)

being introduced this year with particular emphasis on the coast regions; together with that, there will be a poster and a new edition of *Kenya Safari*.

That, Sir, accounts for the sum asked for in C1.

SIR CHARLES MARKHAM: Sir, when Sir Richard Turnbull was Chief Secretary and was responsible for the Information Department, he did say in this House that he thought the Government quite unsuitable to start going in for the manufacture of production of films. I would warn, Sir, the Minister for Tourism that I do not believe there is anybody qualified in Kenya for £1,250 who can produce a professional film of any value at all. Sir, Kenya has suffered in the past from amateurs in many other aspects as well as films, and I would suggest, Sir, that before this goes to contract, Sir, we should make the fullest investigation as to whether the film will be really worthwhile.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): The film is being made by the Information Department which has considerable experience in this work. The need for copies of existing films to which I have referred makes it quite clear that there is a growing demand.

THE CHIEF SECRETARY (Mr. Couitts): I would like to refute the assumption of my hon. friend that members of the film section of the Information Department are not professionals.

SIR CHARLES MARKHAM: I can only suggest to the Chief Secretary that he reads his predecessor's remarks, Sir, because they are the exact words used by Sir Richard Turnbull.

THE CHIEF SECRETARY (Mr. Couitts): I was talking about professional film makers, not otherwise.

SIR CHARLES MARKHAM: So was I. Vote 42 agreed to.

VOTE 43—MINISTRY OF HOUSING

MR. ALEXANDER: Here again, Mr. Chairman, I come to this same question as to the increase or the likelihood of any increase in the commitments of this Ministry. We see here 1 Architect, 2

Senior Inspectors, 2 Architectural Draughtsmen; I have no doubt those perhaps have been taken over from the Ministry of Local Government, but here again, turning to page 5 which we have just passed, I see no saving there. Let me assure the Minister that here again, this is merely an attempt by me to get put on record our fears of a Ministry undertaking work that could well be done and should be done by those outside Government. The main task of this Ministry, as I see it, is rather like that of tourism; it is to provide the drive and the imagination to lay the trial for others to do the work. And may I also here congratulate our new Minister for Housing for the way in which he has tackled this problem. I had the great privilege and honour of being able to talk to him privately about his task, and I believe that here, we do have signs of someone that really knows what is needed in this task, that has the capacity to do it, and is going about giving considerable help and advice and goodwill to those outside.

I merely want it on record that that is the way he will continue to proceed and avoid building up commitment within Government.

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Chairman, I am very grateful to my friend for those remarks. The ministerial staff is in fact extremely small; it consists of only eight people and that is the complete Ministry. The majority of them were formerly employed by the Ministry of Local Government, Health and Housing. It is not my intention that the staff of this Ministry should increase and I shall endeavour to see that it remains a small Ministry for a very long time, always drawing on the staff of the other Ministries, like the Ministry of Works and Town Planning, to deal with matters that might otherwise have required an additional staff.

That is what we intend to do, and also to work through the local authorities. So I have to assure you, my friend, that we shall remain small like the Minister himself is small.

MR. ALEXANDER: Mr. Chairman, I am grateful for that very excellent reply. But could the Temporary Minister for Finance answer the other part of my

(Mr. Alexander)

question: that is, as the Minister for Housing has just told us, that he has taken over staff from the Ministry of Local Government, and, looking at page 5, where is the saving shown? How do we get the benefit?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The saving, Sir, cannot be shown in this estimate because this estimate deals with the Ministry of Housing. The saving will arise in the Vote of the Ministry of Local Government, Health and Town Planning, because, Sir, there is no estimate for that Ministry before the House; therefore no saving can be shown in the estimate.

MR. ALEXANDER: Mr. Chairman, let us get this quite clear. I may be out of order in a sense referring back to a Vote we have already passed, but there is a Vote before this House at this moment, today, concerning the Ministry of Local Government; and if there is a saving because he has transferred some of his staff over to the Ministry of Housing, why are we not told about it today?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Because, Sir, that is not the practice.

MR. ALEXANDER: No, but Mr. Chairman, quite seriously, I am going to press this point. We have been asked to vote additional expenditure in one Ministry today. We have had it explained to us that some of that expenditure has really come over from another Ministry, but we are told, in all seriousness, that we cannot total be shown the credit from the other Ministry. In other words, the other Ministry still retains the Vote that was given to it in the annual Estimates in the Budget. What I am worried about, Mr. Chairman, is that we might be told later that it was necessary for the Ministry of Local Government—and this does not just apply to local government; the principle applies all round—it will be necessary for them to spend this money in other directions. When there is a saving, surely, in one department put over to another, we must be told immediately and concurrently.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, Sir, there is no method known to me whereby money which has once been voted for the service of a particular Ministry can be de-voted during the year in question. The only thing I can do is to give the House an assurance that where savings of this kind are made, it is the normal practice of the Government to freeze the provision that has been made, by administrative action, in a Ministry and to see that it will not be used and not to allow that particular expenditure to be incurred.

In the event of it being necessary for the actual money which has been voted to be used for some purpose other than that for which it was originally voted, my hon. friend, the Minister for Health, would naturally come along to the House with a supplementary estimate so that the House would know what was happening. That, Sir, is the only way in which it can be done since, as I have already said; there is no known method whereby the House can be asked to de-vote money which it has voted at an earlier stage.

MR. SLADE: Mr. Chairman, the Minister's explanation is very hard to understand in view of the fact that Vote 27, which is the one to which we are referring back now, has an item: Less—Savings on the following sub-heads—A. Personal Emoluments. Well, that is what my hon. friend, the Member for Nairobi West, is asking: do those savings of £450 represent savings that have been made in the case of transfer of personnel to the Ministry of Housing; and if not, why not?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): I can assure the hon. Member that that is not the case. I can also assure the hon. Member for Nairobi West that the money is not for my use at all. The transfer has been made to the Ministry of Housing, and as far as we are concerned, that is an end to it.

MR. ALEXANDER: Yes, Mr. Chairman, but the difficulty here is that until the end of the year we are talking about figures that are mythical; they are on paper, and any of us who wishes to make a study of these figures at any time of the year will never know what savings the Government have got in mind until

[Mr. Alexander] they come at the end of the year to report to us that particular sums of money were not spent. Surely some votes, at any rate, can be totalled up during the year showing what savings are made because of a transfer of responsibilities to another department. All I can suggest is that if Government are incapable of doing this within their accounting machine, then they had better see some decent accountants pretty soon.

SIR CHARLES MARKHAM: Sir, could perhaps either the Minister for Local Government or the Temporary Minister for Finance explain why they cannot do it? They have done it. Sir, on page 12: they have said they are saving £1,000 from Vote 7 and they are also taking £10,000-odd from the Minister of Commerce's Vote. Doing it in those circumstances, they should be able to do it in this particular one.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The House, Sir, has in fact been told this afternoon that there will be savings of this kind. The assurance has been given that there will be certain savings. My hon. friend, the Minister for Housing, has said that most of the expenditure, most of his staff has been transferred from the Ministry of Local Government and does not represent new expenditure. I agree that nothing was included in the memorandum note and that, Sir, was possibly an oversight and all I can say is that the next time anything of this kind happens, we will do our best to see to it that there is no other such oversight.

LT.-COL. MCKENZIE: Mr. Chairman, may I ask how it is possible to run one new Ministry without reliefs and yet another new Ministry has to have reliefs?

THE MINISTER FOR HOUSING (Mr. Amalemba): It is because one is housing and the other one is tourism.

LT.-COL. MCKENZIE: Mr. Chairman, I wonder if I may ask the Minister a further question. D1: I am afraid I am showing my ignorance, but what does C.C.T.A. mean, and could he enlarge on this awful word "urbanization".

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, Sir, on behalf of my hon.

friend, I understand that C.C.T.A. is French, but I am afraid I can never remember what it is; or if I could, I would not be able to pronounce it.

LT.-COL. MCKENZIE: Could it be explained by one of the many Ministers, Sir, what it does? I mean obviously, it is part of Housing, is it; or is it part of Tourism got lost into this estimate?

MR. SWYNNERTON: Mr. Chairman, C.C.T.A. is an organization of nations operating south of the Sahara. It was got together to finance or co-ordinate various projects—agricultural research, veterinary research, medical research and various other things.

C.C.T.A. is a group of nations which have set themselves up for self-help south of the Sahara. I cannot tell the hon. Member what C.C.T.A. stands for.

LT.-COL. MCKENZIE: Could we now try, Mr. Chairman, and ask if any of the Back Benches know what it means?

CAPTAIN HAMLEY: I can only think, Sir, that it means Chinese Communist Territorial Army!

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I think, Sir, C.C.T.A. means *Commission pour la Coopération Technique en Afrique au sud du Sahara*.

Vote 43 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATE (No. 1) 1958/59

Vote D.1.—1—Staff Housing

LT.-COL. MCKENZIE: Sir, may I ask the Chief Secretary several questions. Firstly, what rate of interest are they paying on this mortgage?

THE CHIEF SECRETARY (Mr. Coult): 6½ per cent.

LT.-COL. MCKENZIE: Could I ask, Sir, what proportion of housing is going to each of the three places named?

THE CHIEF SECRETARY (Mr. Coult): Mr. Chairman, I will give the hon. Member the actual figures proposed. In Nairobi, 12 class 4 houses; 14 class 5 houses, and eight mayfair-type houses. Mombasa: six class 4, and four class 5;

[The Chief Secretary]

Nakuru: four class 4, and four class 5; Kisumu: four class 4, and four class 5.

Vote D.1.—1 agreed to.

Vote D.1.—13—Parliament Buildings.

LT.-COL. MCKENZIE: Could I ask the Chief Secretary again: is this the bowling green we have been hearing so much about, or what is it?

THE CHIEF SECRETARY (Mr. Coult): No, Sir, it is not the bowling green. The original estimate for the alterations was £15,000 as has been stated in the Estimates in front of you. This included £2,000 for an extra car park, but this work was deferred in the interests of economy. The estimate of £13,000 was reduced to £9,453, and that was made up of certain details; I do not know whether the hon. gentleman wishes me to break that figure down for him, but the work was not fully complete on 13th June, 1958, and the unspent balance was £696 which is now required to be re-voled in order to complete the installation of the air-conditioning plant.

Vote D.1.—3 agreed to.

Vote D.3.—1 agreed to.

Vote D.4.—1—Agricultural Services.

SIR CHARLES MARKHAM: Sir, in the absence of the Minister for Agriculture, would the Director of Agriculture help us on this one, Sir. I do not quite see where we ever knew what the original estimate was. It gives the scheme value at £8,000, and down at the bottom it talks about a figure of £382,000. Could he explain that to us, Sir?

MR. BUTTER: I think I can answer the hon. Member, if I may. The scheme value of £8,000 relates to the scheme value of the item in D.4.—1. The total provision for Vote D.4.—1 in the original estimate was £382,934. The original scheme value for the item "Fencing of Boundaries" was £5,000 and we are seeking authority to increase it to £8,000.

LT.-COL. MCKENZIE: Mr. Chairman, may I ask the Director of Agriculture if this was not completed now; whether the Fencing Ordinance would have any repercussions on it?

MR. SWYNNERTON: No, Sir.

Vote D.4.—1 agreed to.

Vote D.4.—4 agreed to.

VOTE D.4.—8—WATER

MR. ALEXANDER: Vote D.4.—8, Water, Sir, concerning the Mombasa Water Project. This is to try to get put on record precisely how this entangled mess of finance regarding this project has, if it has, been disentangled. On 8th July, 1952—it is on HANSARD pages 9-14, this was the Resolution of this Council on this particular item, and I quote: "Be it resolved that the Government be authorized to negotiate private loans not exceeding in the aggregate £4,000,000 on such terms and conditions and at such rate of interest as may seem fit and reasonable to the Member for Finance for the purpose of financing the construction of the Mombasa Water Supply.

"Be it further resolved that the provision of up to £1,000,000 from the Colony's funds be approved in principle for investment in the same project on such terms and conditions and at such rate of interest as may be sanctioned by this Council at a later date".

The second Resolution—that is, regarding the £1,000,000—has not been provided from the Colony funds, and really, the terms of that resolution were never properly followed out.

We are now given, Mr. Chairman, a figure of £2,170,000 that the Government, I imagine, will permanently finance, but there is in this odd note in the explanation saying: "The figure of £2,170,000 exceeds the previous estimate of the amount which would have to be provided from Government sources by £20,000". And yet, the Resolution of 1952 talks of £1,000,000 from the Colony's funds.

Could we, Mr. Chairman, have it put on record exactly how this finance has been dealt with?

MR. BUTTER: I think I can answer the hon. Member. The purpose of the original resolution was to seek authority for going ahead with the Mombasa major project, at the cost of £5,000,000, and at that time it was our intention to borrow £4,000,000 from various sources, and to invest £1,000,000 from the Colony's surplus balances in the project. At that time, there was no Exchequer and Audit Ordinance, and the Exchequer and Audit Ordinance was not passed until 1955, and the Government regarded

[Mr. Butler] the position as being that they had authority to finance this project up to the limit of £5,000,000 and we went ahead and spent the money.

We have informed Legislative Council during the course of the years of the progress of the project, and we explained in detail in Sessional Paper No. 51 of 1955 how we were actually financing the expenditure.

We informed Council that we had borrowed £1,350,000 from the banks, that the Government of Uganda had provided £1,000,000, that the East African Railways and Harbours had provided £500,000 and that the balance of £2,150,000 would have to be raised by the Kenya Government from various loan sources. I think it is a tribute to the skill and acumen of the officers of the Ministry of Works who have prepared and carried out this scheme, that the final cost of the £5,000,000 project will be within £20,000 of the original estimate, and I think it must be very rare that a project of this size has been carried out in a period of rising costs so nearly within the original estimate.

The position was further explained to the Council when the Mombasa Pipeline Board Ordinance was passed in 1957, when the Minister for Agriculture repeated the information given in the Sessional Paper and indicated that the Government's share of £2,150,000 had been found partly from the Government's internal resources and partly from the Joint Colonial Fund.

The present position is that the Mombasa Pipeline Board will be taking over the loan from the banks of £1,350,000 and the Council will in due course be asked to guarantee the borrowing by the Pipeline Board of this money from the banks. The Pipeline Board will also be taking over the loan of £1,000,000 from the Government of Uganda and the loan of £500,000 from the East African Railways and Harbours. We are left with the balance which now amounts to £2,170,000 to be borrowed from Government sources. We could provide that money without coming to the Council, under the provisions of the Mombasa Pipeline Ordinance of 1957, by designating the advances which we have made as liabilities of the Board, but we

thought it proper, where the Government was investigating money on long terms, in this project, that we should vote the money through the Estimates at this stage and seek the authority of the Council to carry out the undertaking given in 1955, that this money would be found from loan sources.

As the hon. Member well knows, loan funds raised by the Government have to be paid into the Exchequer and have to be voted out, and the purpose of this Supplementary Estimate is therefore to seek authority to convert the present advance into a loan to the Mombasa Pipeline Board and to use, for the purpose of this loan, the money that we will raise in our next development loan.

MR. ALEXANDER: Mr. Chairman, that is one of the clearest expositions I have heard from the Government side on financial matters for a very, very long time. I want to congratulate the Acting Secretary to the Treasury and to thank him.

Vote D4—8 agreed to.

Vote D7—1 agreed to.

VOTE D7—2—HOSPITAL CAPITAL GRANTS.

LT.-COL. MCKENZIE: Mr. Chairman, may I ask the Minister how it is that they are so far out—the revised Estimate as against the original Estimate—£1,400 as against £7,373?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I find it difficult to answer as I am afraid I have lost my place—which is the item to which the hon. Member is referring.

LT.-COL. MCKENZIE: There is only one of £1,400 in the original estimate. The other is £699.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): While the original estimate, I agree, is 1,400, afterwards it was agreed that further facilities and amenities would be required. It is not a building estimate, as I think the hon. Member believes.

LT.-COL. MCKENZIE: But what is the answer?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The original estimate is what

[The Temporary Minister for Finance and Development]

it was estimated, in February or March of this year, would actually be needed to be spent during 1958. In fact there was, on the Kitale European Hospital, £2,501 which was not spent last year and this is being brought forward this year. That is the reason for this increase.

LT.-COL. MCKENZIE: That is not the one I asked about. I asked about the other one—£1,400 and £7,375.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): The same position exists as regards the Lady Grigg Asian Maternity Home. The item is in respect of a Government grant on a £-for-£ basis. It was expected that rather more would be spent last year than was actually spent, and that only £1,400 would be required this year. Owing to the under-expenditure last year, it is necessary to revoke the money, but, as my hon. friend will notice, the scheme value—which is the governing factor—is not changed.

Vote D7—2 agreed to.

VOTE D7—3—TOWNSHIP SEWERAGE SCHEMES

MRS. SHAW: May I ask the Minister—is the Bungoma sewerage scheme finished?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am afraid, Sir, I am not able to give the complete answer to that, but I understand that this sum represents the total scheme value, which it was hoped to complete in 1957/58. Owing to difficulties experienced by the Ministry of Works, the scheme could not be proceeded with last year, but it is now going ahead and it is hoped it will be completed this year.

Vote D7—3 agreed to.

Votes D8—1, D9, D12—3, D12—5 agreed to.

VOTE D12—6—NAIROBI AIRPORT, EMDAKASI

LT.-COL. MCKENZIE: Mr. Chairman, may I ask what the number of minor alterations and improvements were that went up to £12,000, and also, Sir, may I ask what considerable number of animals

are handled? May I ask what these animals are?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): To answer the last question first, I cannot give the hon. Member an exact analysis, without notice, of what the animals are, but a great many animals are transported by the various air lines—animals being exported, animals being transported for medical and research reasons, animals travelling—as my hon. friend knows—to reinforce the herds of this Colony, and many other kinds of animals, and it is necessary at times that they should be held at the aerodrome, and proper accommodation must therefore be provided. The various societies interested have been consulted in this matter and I understand are satisfied as to the standard of accommodation. It is necessary to avoid any unnecessary cruelty, for instance, and these facilities are being provided to the standard normal in international airports.

As regards the minor improvements that my hon. friend referred to—he mentioned the one about the animals himself. In addition to that it has been necessary to make certain small structural alterations in regard to passenger facilities, particularly in the restaurant. It has been necessary also to improve the ventilation in certain places. I can give my hon. friend a complete list if he wishes me to do so, though I think the major items—you will see that there is some detail given in the printed Supplementary Estimates; but I will be quite happy to provide my hon. friend with a full list.

LT.-COL. MCKENZIE: Mr. Chairman, would the Minister be prepared to give me a breakdown of any item, such as the £38,000? That is the last one.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Yes, I will give my hon. friend that breakdown. I cannot give him the exact breakdown, I am afraid, at the moment, but I will be pleased to do so later.

Vote D.12—6 agreed to.

Vote D.12—7 agreed to.

VOTE D.12—9—AERODROMES

MRS. SHAW: KIRUMU. I would ask the hon. Minister what this scheme is for,

[Mrs. Shaw]

in view of a paper I have about the down-grading of Kisumu Aerodrome. I would be grateful to know if it is possible to use the present runway in the case of an emergency for large planes at all?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr Hope-Jones): Kisumu Aerodrome has not been down-graded, as my hon. and gracious friend knows. The position in regard to Kisumu has been redefined by the Directorate of Civil Aviation in terms of the safety requirements of the aerodrome. The scheme to which the hon. and gracious lady refers is a scheme which, just as the terminal buildings have been improved—not as much as we would like but as much as we have been able to afford—by which it is hoped that the runway will be maintained so that it will be capable of continuous use by our local operators for scheduled services.

Naturally the aerodrome would be available for use by larger aeroplanes in an emergency, but I would not like to mislead the hon. lady in any way by giving her the impression that this Government has the funds to bring it up to the standard necessary for regular use by four-engined planes which would, in fact, make it yet a fifth airport in East Africa as a whole calculated to deal with planes of that kind. The ones that I am referring to are Embakasi, Entebbe, Dar es Salaam and, I hope, Mombasa also.

MR. SLADE: Can the Minister explain how it is that three such very divergent headings such as Kisumu, Northern Province and Miscellaneous come to be bracketed together as one figure?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, I have been wondering that myself.

SIR CHARLES MARKHAM: Sir, could I ask the Minister to stop using the word "Embakasi" Airport? It is Nairobi Airport.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I do apologize to the hon. Member. I believe the correct term is Nairobi Airport at Embakasi.

Vote D.12—9 agreed to.

VOTE D.13—5—PUBLIC WORKS (WATER SUPPLY UNDER THE SWYNNERTON PLAN)

LT.-COL. MCKENZIE: May I ask why it was necessary to transfer this from the Colonial Development and Welfare Funds to the Development Loan Fund?

MR. BUTTER: Mr. Chairman, for one reason, we have been requested by the Public Accounts Committee to inform Legislative Council when we do change the sources of finance for particular schemes in the Development Plan, and we did contemplate laying before the Council with this Supplementary Estimate a complete revision of Table 2 of the original Estimates, but as some of the figures were not entirely certain at this stage we did not do so. The reason why we have to make these adjustments is that there was underexpenditure last year and we are adjusting our claims on the Secretary of State this year and will, in fact, be claiming some £99,000 more than we indicated when we laid the Estimates originally. The net result will be that we will spend £99,000 less of our own loan funds on the Swynnerton Plan this year than we have indicated at the time of the Estimates.

I would like to take this opportunity, since we are on the subject of Colonial Development and Welfare funds, of letting the Council know that we have also received a further £300,000 of Colonial Development and Welfare money which will be applied to approved projects in the 1958/59 Estimates and that will lead to a further saving of £300,000 in expenditure of loan funds.

Vote D.13—5 agreed to.

VOTE D.15—CENTRAL STORES AND TRANSPORT ORGANIZATION

MR. ALEXANDER: Mr. Chairman, I rise in sympathy rather than in anger—sympathy to the Minister. It is a dismal and pathetic story, Sir, is this story of this Supplies and Transport Depot. My views are well known, Mr. Chairman. All I would ask the Minister now is to tell us how much worse it is to come. This, as I read it, has involved us in some £300,000 of capital expenditure. Perhaps I have missed out some figures that have gone in the past. But that dismal story is one of indecision, lack of judgment within the Council of Ministers, and it is a story about which the

[Mr. Alexander] Minister for Education, Labour and Lands need not worry about because he was not here—his record is clear and clean. Could the Minister just tell us how much worse this has got to get before we really do sink ourselves and the Colony over this particular one?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Chairman, my hon. colleague the Chief Secretary said yesterday that he was tired. I think that the hon. Member for Nairobi West must also be tired. This is rather a joyful occasion, Sir. The hon. Member has referred to this as an empire. Well, this is the birth of an empire.

MR. ALEXANDER: Worse is to come.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): This, I would mention, is a revolve of something which has already been approved by this Council. This completes the total of the scheme value which is £361,000. The buildings are now complete and the workshops are now starting and the success or failure of this empire will be seen in the next financial year. I can appreciate the anxieties of the hon. Member. This is a large sum of money and we are passing through a period where every £1 of this expenditure is of tremendous importance not only to hon. Members on the opposite side of the Council but also to the Government. Government does not lack decision. Government took a decision on the evidence available and on the advice given to it some years ago and it has pursued that decision to the point of fruition. We now have the buildings which were required and Stores and Transport will be able to operate.

The hon. Member has referred to this as an empire. I do not know whether he has looked at the price list of the empire recently but I will assure him that this is good value for money.

MR. ALEXANDER: Mr. Chairman, I would not like the Minister to get me wrong. I am not worried about the size of the amount of money. We have said time and time again on this side of the House that we are not worried about justifiable expenditure, but what does worry us is waste and extravagance.

The Minister has said that this was decided after advice and careful consideration. Would he answer me quite categorically whether in fact it was decided at departmental head level that the Ministry of Works was perfectly well organized for an expansion to take this particular activity in its stride; and yet did that recommendation ever get to the Council of Ministers? Was that the advice that was tendered to the Government?

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Chairman, decisions of this magnitude are not made at departmental level. The object of this decision was to avoid waste and extravagance; and it will avoid extravagance; and it will avoid waste. This decision was taken at the Council of Ministers level and it has been implemented.

D.15 agreed to.

Resolutions to be reported.
Council resumed.

[Mr. Speaker (Sir Ferdinand-Cavenish-Bentinck) in the Chair.]

REPORT

SUPPLEMENTARY ESTIMATE (NO. 1) OF 1958/59

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to report that a Committee of Supply has considered Supplementary Estimate (No. 1) of 1958/59 and has approved a Resolution in respect thereof without amendment.

Question that the Council doth agree with the Committee in the said Resolution put and carried.

REPORT

DEVELOPMENT SUPPLEMENTARY ESTIMATE (NO. 1) 1958/59

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of Supply has considered the Development Supplementary Estimate (No. 1) of 1958/59 and approved a Resolution in respect thereof without amendment.

Question that the Council doth agree with the Committee in the said Resolution put and carried.

MOTION

THE PENSIONS (AMENDMENT)
REGULATIONS, 1958

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that this Council approves regulations 1 to 5 of the draft Pensions (Amendment) Regulations, 1958, and their being made retrospective to the 1st January, 1954.

Sir, the main purport of the first five of the regulations before the House is to give effect to various recommendations which were made by the Lidbury Commission. The substance of them has already been accepted by the House in its acceptance of the Report of the Lidbury Commission as amended by the Government Sessional Paper, and in a number of cases the officers concerned have had their pensions assessed in accordance with these regulations. It is, however, necessary to consult with other administrations and with the Secretary of State in order to make sure that we are all in line because, as I mentioned the other day in another connexion, it is very important in these pension matters that there should be a good deal of uniformity.

Sir, I find myself at something of a loss in regard to one part of this Motion, because I notice that the actual Motion reads "... approves regulations 1 to 5 ..." and actually if hon. Members refer to the draft Regulations before them they will note that there is also a sixth regulation which provides for the change of the name of the Gold Coast Colony to Ghana and which substitutes the correct spelling of "Montserrat" for "Monserat" in the Schedule to the Pensions (Amendment) Regulations. I do not know whether it is necessary to move an amendment?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): We could I think if necessary treat that as a typing error, if the Council agrees. It can read "... approves regulations 1 to 6 ..."

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Only regulations 1 to 5 need approval with retrospective effect, and therefore the approval of this Council is not required for regulation number 6.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I would like to thank my hon. friend the Minister for Legal Affairs for his assistance in this matter.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): We have still got to approve regulations 1 to 5 with retrospective effect.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I do not think it is necessary for me to go into any detail in discussing these regulations, but if there are any points that hon. Members would like me to elucidate further they will no doubt let me know and I will be very glad to do so.

Sir, I beg to move.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): I beg to second this Motion. If I may just explain, the Governor in Council has power to make regulations, but if the recommendations are to be retrospective they have to have approval of this Council. Therefore regulation 6, which does not require retrospective effect, is no matter for this Council to worry about, and we do not require to come to this Council to get approval in respect of regulation number 6, but we do in respect of numbers 1 to 5.

Question proposed.

The question was put and carried.

MOTION

LAND AND AGRICULTURAL BANK
RESOURCES

MR. SLADE: Mr. Speaker, Sir, I beg to move that, having regard to the urgent need of further capital for agricultural development, especially in the wake of land consolidation, this Council urges Government to investigate the possibility of expanding the resources of the Land and Agricultural Bank of Kenya, or establishing an additional Land Bank, by means of deposit accounts.

Sir, it is a fact, of course, that farmers all over the country are in need of further capital for development of this still very young country, but this Motion, though in general terms and referring to all farmers, is particularly concerned

[Mr. Slade] African farmers following upon land consolidation.

Mr. Speaker, Sir, those needs were very clearly illustrated and emphasized by the Director of Agriculture when he spoke in a recent debate. He expressed to us then what I have also seen myself on other occasions, the tremendous impetus to farming in the African land units that is being derived from land consolidation. Farmers for the first time find themselves with one economic unit, instead of a collection of fragments and uneconomic units. In addition to that natural impetus from holding a single consolidated unit, there is a further impetus, or accentuation of that impetus, through the tremendous interest and drive of the agricultural officers who are encouraging every farmer, if his land is consolidated, to make the best possible use of it, teaching him to plan for the development of his farm and encouraging him to go ahead. All that means, of course, that there is a sudden demand all over these areas from African farmers for capital, with which to do what the agricultural officers are advising them to do. I think the position is becoming very urgent, for two reasons. One is that if this money is not soon forthcoming the impetus is in danger of fading away, and not being so easily revived again; the other, that some Africans who have already responded to the impetus, and to the advice of the agricultural officer, are now finding that they have got into rather deep water through spending all their available resources and still seeing no immediate return with which to repay money they have already borrowed. They have had enough capital to get into the water, but not quite enough to get out of it. It happens to a good many of us.

That position, Sir, raises, I think, three separate problems for all who are concerned by the need to lend money—not give it, but to lend money—to these farmers. The first and one of the most important is how to control the lending of money to farmers who now, for the first time, are in the position to give really good security for loans. They want to use that security. It is I am sure very important. Mr. Speaker, that we avoid two things: one is lending to

African farmers by irresponsible people who will abuse their powers and strength in the position of money-lenders, to the detriment of the borrower. The other is the avoidance of loans to farmers who are not fit to make proper use of them, and will therefore only get into deeper water. That does mean, of course, careful selection by local experience of the man to whom you make the loan. Both those dangers require that, wherever possible, loans to African farmers should be made by the Government, or under the control of the Government, or some responsible body over which Government has no control.

The second problem that arises, of course, is where to find the money to lend to these farmers. At present a very empty purse is the purse of Government. One is tempted to look abroad for loans from philanthropic countries for the very large sums we want. I saw not very long ago our Minister for Finance, speaking in America, put the figure for these very requirements at £5,000,000. I am sure we could use at least that sum, though we might be well satisfied to start with less. It may be that we will have to fall back on loans from abroad, but I do urge that we examine all our own resources first, before we get into the habit of becoming dependent on loans from other sources. I do believe, Sir, that we have to some extent an untapped source in this country for this particular purpose. I may be crediting Africans with greater patriotism and sentimentality than they deserve, but I have got the impression very strongly, when noting this problem for myself, in certain parts of the Central Province a few weeks ago, that there were large numbers of Africans anxious to help to solve this problem by contributions of their own savings, and that they would gladly lend their money to a responsible body for the purpose of helping development of the farms of their fellow tribesmen. If that is so, I think it might well prove a fruitful source, because of the habit of Africans to tuck money away in stockings and corners and holes in trees, instead of putting it on deposit. If this particular appeal would draw that money out of stockings and holes in trees, in a way that no other form of investment could do, then we could make the fullest possible use of it. We could make use of it, if the land

[Mr. Slade] bank or some new land bank was to invite the small individual deposit on easily withdrawable terms, just like the deposits that are run by the Post Office Savings Bank and by some banks, savings accounts, or by building societies; deposits that earn a rate of interest, but can be easily withdrawn, and which offer good security. I know, Mr. Speaker, that the Land Bank already uses deposits in the sense of large deposits from large concerns, but that is a rather different thing. That is a very hazardous thing for a finance corporation to rely upon for an large scale, because one never knows how much it is going to have in the way of basic finance more than a short time ahead.

In lending money out to farmers the Land Bank has to be sure of not being called upon to refund the money which it has used for that purpose for a considerable time, because the loan to the farmer has to be for a considerable time. But large deposits from a small number of concerns have no diversity factor, and they may be called in much too soon for the comfort of the bank concerned. Therefore, there is an early limit to the way in which a bank—Land Bank or otherwise—can finance itself from deposits of that kind. But if you rely on deposits from the small investor, then indeed you are getting some security because the smaller the investor the greater the number of your depositors and the greater your diversity factor, the less actuarial risk of your suddenly finding yourself very short of deposit money any one time.

Now, before I leave that point, Sir, I must acknowledge that in this exercise we do not want to trespass too much on existing preserves. There is no particular advantage in a scheme like this, if it is merely going to attract money already deposited in the Post Office Savings Bank or even with building societies, away from those places into the Land Bank. That is too much like taking money out of one pocket and putting it into another. I have to declare an interest here, Sir, being a director of a company that takes deposits of that kind. But actually in that company, of which I am a director, we do not believe that this exercise will adversely affect us, or people in our position, for the reason

I have given; that we shall tap, we believe, a new source of deposit.

I would remind hon. Members of a very good analogy that the hon. Member for Nairobi West gave in another debate a little while ago. He was answering the Minister for Finance on this point, who said that there was a limited amount of money in the pond, and, therefore, although you are all trying to draw it out you will not get any more; the hon. Member said, "Well, it may be so, but you will never get it all out of the pond, and if you have two fishermen in the pond you will catch more fish than one would". I like that one, and I think it applies here.

Then, Sir, there is the third point and that is the question of rates of interest, which is, of course, again vitally important. Now, it is no good lending money, offering money to African farmers—or other farmers—if it is at an exorbitant rate of interest. You are doing him more harm than good, probably. It must be at a really moderate rate of interest. And the only way of being able to lend money to Africans at a really low rate of interest is by a non-profit-making concern, which is able to draw on the public for money at a very low rate of interest. It is only a Government concern, or a Government-sponsored concern, that can offer such security as to attract deposits at a really low rate of interest. But the Land Bank is in that position, and I believe that the Land Bank, taking deposits at a very low rate of interest, could attract a great deal of money from the source I have described and, not being a profit-making concern, could lend it out again at a very low rate of interest.

All I would add, Sir, is that if, for some reason that I have not understood as yet—and it may be made clear to me in this debate—there is something wrong with this suggestion, that it is quite impracticable, then I do hope that whoever tells us that will be able to offer us some alternative way of finding this money that is so urgently needed at the present time to set African farmers on their way.

Sir, I beg to move.

MR. TRAVADI: Mr. Speaker, Sir, I have great pleasure in seconding this Motion moved by the Specially Elected

[Mr. Travadi] Member Mr. Slade. During our unofficial visit to the various centres in the Central Province, we came across a number of cases where it was absolutely necessary for a farmer who had his fragmented pieces of land gathered together into a consolidated whole and who wanted to develop that piece of land to have money for development, otherwise, owing to lack of funds, he is handicapped in his farming and animal husbandry.

The suggestion was made that if a chance or an opportunity was given to people like middle men, carpenters, masons, clerks and the like, who had a few odd shillings, Sh. 5,000 or Sh. 10,000 or so, who could not invest their savings in immovable property such as on mortgages and charges, because of the smallness of their savings, they could invest their money here in a common pool. Had they, say, a saving of £50,000, £60,000 or £100,000 they could have invested it in private property then, no doubt, they would have got a decent income with about 9 per cent interest. But those small men, if the money was secured by some sort of guarantee from Government, with, say, a reasonable interest at about 5 per cent, then, naturally, they may be tempted to put their money into a pool something like a deposit. If it could be fitted into the machinery of the Agricultural Bank or some other pool, then the Government, through their officers and the African councils or some other agency, could very well lend that money, say, over a period of about five or six years, about Sh. 4,000 to Sh. 5,000 to each farmer; and naturally, that money would be invested by that farmer either in farming or animal husbandry, so that he could develop that particular piece of land, each of which comes to something like five to 20 acres apiece.

If this side of the question of developing his farm is not looked after, the fear is that the whole present scheme of consolidation would collapse. The only result of it will be that a man is registered as a title-holder, with nothing to gain therefrom.

I would therefore, Sir, very strongly support my learned friend, the Specially Elected Member, Mr. Slade. I find that chapters 181, 182 and 183 about the Land and Agricultural Bank, the Financial

Assistance Ordinance and the Agricultural Ordinance—those three Ordinances—make sufficient provision to embrace African farmers. In the case of necessity, if the Legal Draftsman feels that a timely new Bill is necessary, certain points can very well be adapted and a new Bill put in front of this House.

Mr. Speaker, Sir, the idea of such financial assistance, if I am not boasting when saying this, actually came from me. After informal talks with Mr. Cooke and the Specially Elected Member, Mr. Slade, and the African Members, we also discussed the matter with district commissioners and provincial commissioners informally, and it seemed that there appeared to be reasonable support for a proposition like this. I must thank my friend, the Specially Elected Member, Mr. Slade, for following it up so very quickly so that we have an opportunity here to put before the Government a proposition that these middle men with small savings may have an opportunity of contributing their money to the development of African farming.

I beg to second the Motion.

Question proposed.

MR. HASSAN: Mr. Speaker, Sir, I have great pleasure in supporting this Motion. I would like to bring to the notice of the Government that we had difficulty among the farming community in my part of the country, and the Government introduced a scheme of village banks for the farmers, which I visited after some years, and they had proved a great success in helping and assisting the agricultural farmers.

I think the Government, if it would like to take note of it, could easily ask the authorities in Pakistan and India, and get the proper scheme which has done considerable benefit to the farmers there. It is a scheme under which every farmer in a village is a shareholder. They buy shares at Sh. 100 each, and that amount is taken back in loan by those who need help in agriculture; they take that loan for a year at 10 per cent. But it is only confined to the shareholder and that every farmer is a shareholder, so that their capital so contributed after ten years is doubled. All village banks are supported by a city bank, where their surplus amounts are deposited and the

[Mr. Hassan] village banks have surplus money for distribution to those who are in need, who are short of funds and want more funds for the farmers; so much so that the city banks in the part of the country I come from always look to the needs of the farmers controlled by the village banks, and buy wholesale their requirements and supply them at cost price out of the deposits that are made by the village banks in the city banks, so that the farmers are self-contained so far as the finances for the requirements of agriculture are concerned.

This system proved of immense benefit to them and was far better than taking loans from the other banks, and I would like to bring to the notice of the Government that it would be better if enquiries were made into the successful system of these village banks that is now working very successfully in Pakistan and India. With these few words, Sir, I have great pleasure in supporting.

AIR COMMODORE HOWARD-WILLIAMS: Mr. Speaker, Sir, I am satisfied that there is a sum of roughly about £18,000,000 tucked away somewhere or other in the reserves, so first of all, the point I want to make, is the money available.

Now the African mentality is such, I feel, that they are not likely to put that into any kind of saving in any big quantity which is going to give them two-and-a-half, five, even seven per cent. I would like before I go on to make it quite clear that in any scheme of this sort which I support, Government control is of course essential.

Now I should like, Sir, if I may, to put forward a scheme which might conceivably do the trick, and that is we should initiate the premium bond system in order to get this money out of its dark hole. As I said, the African likes a gamble and there is a chance—at least a chance—for us at least to investigate whether we might get that money coming forward. Now the premium bond system, if it were applied, should not be used in general, particularly if it is applied in this case. For instance, with all due deference to the Nominated Member whose name the plan bears, it should not be used to sustain the Swynnerton Plan. As I see the premium

bonds being applied in this way; they would be allocated to the African Land needs, the object being to get the Africans to put their money into their own lands and to enable them to get profits or "what have you" out of it. The same thing should be or could possibly be applied to Europeans who also have a gambling instinct, and I would therefore, Sir, like to put that forward as a possible idea. I may refer it perhaps to the little man the Minister for Agriculture sent up-country to inoculate some cattle, and the chap duly inoculated all he found and sent a message back to his Minister, a signal, to say he had inoculated everything in sight except some with beards which smelled. Back came the reply from the Minister, "For God's sake don't inoculate them, they are the settlers".

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to within two minutes of the time for the interruption of business and I therefore propose to adjourn Council until tomorrow, Thursday, 20th November, at 2.30 p.m.

The House rose at thirteen minutes past six o'clock.

Thursday, 20th November, 1958

The House met at thirty-four minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

East African Veterinary Research Organization Annual Report, 1956/57.
(BY THE CHIEF SECRETARY (Mr. Coultis))

The Price Control (Sugar) (Amendment) (No. 5) Order, 1958.

(BY THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

ORAL NOTICE OF MOTION

INFORMAL DISCUSSIONS FOR ELECTED MEMBERS

MR. ALEXANDER: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council, being convinced that an atmosphere of goodwill between all Elected Members of this Council is in the best interests of this Colony, urges them to meet informally to discuss matters on which they have any prospect of finding common ground with a view to encouraging harmony and understanding.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 15

MR. ALEXANDER asked the Temporary Minister for Finance and Development what is the estimated cost for the year to June, 1959, of free medical treatment to civil servants and what would be the approximate amount of tax collected on this sum if the value of such a benefit in kind was included in individual assessments?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to reply. No accurate estimate is available.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, arising out of that reply, will the Temporary Minister obtain an estimate; and if it is not available, why not?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No, Sir, I am afraid the cost of doing so would be quite out of proportion to any value to be obtained from it.

MR. ALEXANDER: Mr. Speaker, Sir, arising out of the first reply, would the Temporary Minister agree it as a fact—if we can have that part of the answer confirmed—that these benefits are not taxable?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Sir, these benefits are not taxable.

QUESTION No. 22

MR. USHER asked the Temporary Minister for Finance and Development in order to save the general interest, and particularly the convenience of tourists and the business of local traders and hotelkeepers, will the Government consider modifying the existing restriction upon acceptance of foreign currency in cash, coin and travellers' cheques?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to reply.

I would refer the hon. Member to my speech of 12th October, in which I made it clear that the law would not be applied in such a way as to interfere with the legitimate trade of hotelkeepers, shopkeepers and other business men who have dealings with tourists.

MR. USHER: Arising out of that reply, Sir, would the Minister confirm that he said words to this effect: that anybody receiving foreign currency in the ordinary course of business would not be prosecuted if he turned the money in to the proper place in reasonable time?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I am very glad to be able to confirm that, Sir.

MR. HASSAN: In the absence of the Member for the Coast, Sir, may I ask question No. 27?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Have you his authorization?

MR. HASSAN: He has authorized me, Sir, yes.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Then you may do so when we come to the end of the Questions.

QUESTION NO. 68

GROUP CAPTAIN BRIGGS asked the Minister for Works with reference to his statement on 10th June, 1958 that the Thika/Sagana Road did not stand up to traffic travelling on it, what action has been taken to remedy the position?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, I beg to reply:

I have investigated the position and further action is not needed. I found that there was no question of the County Council of Nairobi going ahead with the scheme in the face of our criticisms of the specification or taking any chances with the specification. The specification was in fact approved after certain discussions, but there were criticisms of the methods used to achieve the design specification. The results were generally satisfactory and I would not say that the road will fail to stand up to heavy use. It is rough but durable. We are in Kenya trying to construct bitumen roads as cheaply as possible so that our money can go further, and completely satisfactory results cannot always be expected. Occasional areas of small failures can often indicate that the Engineers have not over designed the specification and are rightly trying to get more mileage for the money.

GROUP CAPTAIN BRIGGS: Arising out of that reply, Mr. Speaker, Sir, would the Minister state the comparable cost of that section of road as compared, say, with the Mau Summit Road?

THE MINISTER FOR WORKS (Mr. Nathoo): I think, Sir, I cannot give the answer off the cuff, but I can tell the hon. Member that the specification used on that road is much lower than the one being used on the Mau Summit.

SIR CHARLES MARKHAM: Sir, do I understand from the Minister—and I did not quite hear his original answer correctly—do I understand from the Minister that he is now withdrawing his

allegation that the County Council did not use the correct specification from the Road Authority?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, at the time when the first road was designed, there were discussions between the Ministry and the County Council. They had proposed certain specifications with which my technical advisers did not agree but later on, I understand that they proceeded, with the concurrence of the Ministry of Works' officials, and that the position was not known to be at the time I was answering the hon. Member. If I have created that misunderstanding or misapprehension, I regret it, Sir.

QUESTION NO. 27

MR. HASSAN, on behalf of Mr. Ngala, asked the Minister for Education, Labour and Lands in view of the progress that the St. George's Secondary School, Giriya, is making, could the Minister state exactly when the school is going to be given a Grant-in-Aid for its recurrent expenditure?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): This school was established on the clear understanding (as expressed to the Regional Education Board by the Education Secretary) that no Government expenditure either capital or recurrent would be involved. Nevertheless, the Director of Education will endeavour to provide a measure of recurrent aid from January, 1960, if the funds available in the 1959/60 Estimates permit him to do so. I regret that I am unable to give any more positive assurance on this matter.

STATEMENT OF BUSINESS

THE CHIEF SECRETARY (Mr. Courts): Mr. Speaker, Sir, I think the House would wish to be aware about business for the remainder of this sitting. The Sessional Committee has sat and considered this matter and in view of the fact that a number of Bills are not yet ready and in view of the fact that a number of the Motions at present on the Order Paper are also not yet ready, the Sessional Committee has recommended to the House that after the close of today's business, we should adjourn until Tuesday, 2nd December, and that we should not meet next week.

SIR CHARLES MARKHAM: Mr. Speaker, I rise on a point of order to ask your advice, Sir, regarding the numerous questions that have appeared on the Order Paper last week which have not been asked or answered for that matter, owing to the absence of certain Members. What is the position, Mr. Speaker regarding these questions? Do they disappear for ever from the Order Paper, or can they be re-asked when certain gentlemen decide to come back to this Council?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): In the absence of a Member who has put down a question, he can authorize another Member to ask that question on his behalf. If that is not done, then the normal procedure is that the question is answered in writing to the Member who asked it. All these questions would have received or will receive answers in writing by those who put them down.

MR. COOKE: On a point of order, Sir, arising from that question, were the questions that were asked last week on behalf of Mr. Khamisi by my hon. friend, the Member for Mombasa, were they strictly in order or not? Had he been requested by Mr. Khamisi to ask those questions?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I understand authorization was given and I am insisting on that in future. But in the past, over 20 years' experience, Members have often asked questions in the unavoidable absence of colleagues and we have always allowed it. In future, I am going to insist, as we have a lot of questions now, that there is authorization to ask a question on behalf of another Member.

MOTION

LAND AND AGRICULTURAL BANK RESOURCES

Resumption of debate interrupted on 19th November, 1958.

MR. MAXWELL: Mr. Speaker, Sir, I fully support the Motion so ably put forward and clearly explained by my friend, the hon. Specially Elected Member, Mr. Humphrey Slade.

Having listened to the Second and other speakers, there remains little for

me to add in this debate, except that in my opinion, there should be a separate bank associated with the Land and Agricultural Bank of Kenya for three reasons.

Firstly, it would probably be called upon to finance, by way of loan, many thousands of African farmers. Two: It would probably open accounts for very many African depositors, and three: If the money paid by way of deposit is for the sole benefit or the sole use of African farmers, then it is likely that those millions of pounds, to which my hon. friend, the Member for Nairobi North referred as tucked away in stockings in the ground and tin boxes, will probably see the light of day far more readily.

I beg to support.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I am very glad, from this side of the House, to be able to accept this Motion. Later on, Sir, my hon. friend, the Director of Agriculture, will be telling the House of some of the things which are in fact being done at the moment to assist African agriculturists. These are perhaps not being done on so large a scale as one would wish, but it would be incorrect for anybody to get the feeling that the Government was not at present taking some steps to provide finance for African agriculturists where it is needed.

I agree, Sir, with the hon. Member that any system of making loans needs to be well under control. I think that is one of the most important things; loans must be given by responsible people to responsible people. Otherwise any such system would very quickly come into disrepute.

I also, Sir, agree with him on the desirability of trying to tap all possible sources for raising finance for the general needs of the Colony and also for this particular purpose. Certainly, Sir, the Government would not exclude the idea of trying to obtain more by way of small deposits; and also I would agree that it is desirable, so far as possible, that the rate of interest should be kept at as reasonable a level as it can be kept.

I would, Sir, however, just like to mention one word of warning which my hon. friend, the Secretary to the Treasury, will expand on a little, and that is, as I think

[The Temporary Minister for Finance and Development]

hon. Members are aware, in dealing particularly with small deposits the administrative costs naturally go up somewhat; and it is not necessarily a very easy matter to be sure that money raised through a large number of small deposits can be lent at a very low rate of interest. Quite obviously, Sir, the rate would have to cover the costs, but, as with all its re-lending activities, provided that could be done, the Government would be satisfied.

I might say, Sir, that this is a matter which the Government has had in mind for quite a considerable time. We have always thought that the time to make large-scale loans to African farmers would be when they themselves were in a position to offer security and that the loans should be probably made through either the Land Bank or through a similar institution. My hon. friend, the Mover, I gather, would agree with that view—that it is most essential that we should work on proper banking principles; and if this can be undertaken by the Land Bank that would seem to me, without having discussed it with their Board or having gone into the matter in detail with them, to be the appropriate thing to do. In this connexion, Sir, I think that the House would wish to be aware that the Land Bank already has legal authority to make loans to Africans. In the past the difficulty has been that African borrowers would not have been able to comply with the other requirements of the Land Bank regarding security. One hopes that that difficulty has, by now, to a large extent, been removed, and therefore it is now largely a question of getting down to the administrative details on the one side and, as my hon. friend, the Mover, said, of finding the money on the other.

There will obviously be a considerable number of administrative problems to be faced in dealing with a matter of this kind in making quite sure that the borrower's security is adequate and that his proposals for using the money are such as to make it right on economic banking principles for loans to be granted. But, Sir, provided that can be done, I am sure that the other details can be overcome—though I do not say easily overcome. There are administrative

details which have got to be worked out and the Government will give those attention in the fairly near future; and I hope that we shall, before too long, be able to let the House know in greater detail how we propose to deal with this very important problem.

Sir, I think this is an extremely important matter which my hon. friend has brought before us today and, as I said at the beginning of my speech, I am very glad that the Government are able to accept the Motion.

Sir, I beg to support.

MR. NAZARETH: Mr. Speaker, Sir, I rise merely for one reason, to make a suggestion, and I should like to make it before the Secretary to the Treasury speaks: that is, Sir, that the Government might like to consider, in order to promote the success of the scheme and of the bank, making the income on these deposits tax-free. There are various investments which are tax-free and I think that the loss of revenue on the interest earned on these deposits would not be substantial. These deposits would come mainly, I think, from the small depositors who may not come within the income tax ranges; and on the other hand although the loss of revenue would not be large, Sir, the psychological effect would be, I urge, very great. The Secretary to the Treasury might give consideration to that point.

I would not add anything further since the Government has supported this Motion and several speakers have spoken in support of it, but I do feel that the Government might give careful consideration to my suggestion.

The success of African farming is now of the utmost importance and every assistance which can be given to it should be given.

Mr. Speaker, Sir, I beg to support.

MR. BOMPAS: Mr. Speaker, Sir, I believe that the hon. and learned Mover of this Motion did well to bring it to our notice.

If one disregards the hint contained in the phraseology of the Motion, "land consolidation", one could imagine that this Motion was related to the complete aspects of farming finance. But the Mover did make it clear, Sir, that he was narrowing his remarks basically to those

[Mr. Bompas]

African farmers (their needs for finance as African farmers), who have been recently transplanted back to their consolidated units. I, too, Sir, will confine my remarks entirely to that aspect.

It is refreshing for me, Sir, to find that I am, on this occasion, backing a winner, and I am indeed glad to hear that the Government has decided to accept this Motion, although in fact I do not think that any of us had doubts that Government would do so.

I also anticipated, Sir, that we would be told—and I am glad to know that this is the case—that the problem had already had a certain amount of study in the hands of Government. It seems to me, Sir, that the first step in this matter must be an attempt by the Government at a rough appraisal of the extent and the timing of this problem. My hon. neighbour from Nairobi North believes that a figure of something like £18,000,000 is in the reserves waiting to be tapped. I do not challenge that figure, although I would be mildly intrigued, Sir, to know who counted that sum. Given, however, that some substantial sum does in fact exist, Sir, is it not probable that a fair amount of that money is in the hands, or in the stockings, of the very farmers who we are worrying about today? If it is not in their hands, may it not be in the hands of their relatives, or close friends, who by some private arrangement would be prepared to lend it direct to the farmer without security, and without the complications of legal processes. If this could be done without pledging assets, it would obviate any real risk of exploitation by speculators and it would remove any need for a lending agency. Enquiry may show that apart from the larger and perhaps over-enthusiastic landowners, the other peasant farmers can develop at an acceptable rate within the limits of family group finance.

I certainly would not like to see development retarded for lack of capital; but development and production must march, if possible, in step with marketing availability. Over-stimulus of development would be worse than a slight time lag in that development. I am a little anxious whether capital, too easily come by, might not be dissipated upon unpro-

ductive frills such as motor transport, unbalanced to the size of the farm.

It should also be considered, Sir, whether the landowner with a largeish acreage and inadequate cash capital should not be encouraged, if not mildly pressed economically, to settle a wealthy but landless family on an economic portion of his surplus land, either as owners or as tenants. With the qualification that development should not be retarded unduly, Sir, the longer the Government can delay introduction of the complexities of banking the better it will be.

Obviously the intrusion of a middleman between lender and borrower must involve a certain degree of wastage upon the administrative overheads and the necessity to reserve against possible losses.

If examination should show that the problem is more academic than real in respect of the individual developer, it may well show that it does exist in respect of what I would term "group needs". These would include those more costly elements of production, of processing, such as coffee factories or such things as syndicated factors. Here, African district councils have already shown a realization of the necessity for, and the desirability of, helping in these matters. It is perhaps the direction in which additional capital can most usefully be injected.

Mr. Speaker, should it transpire that the individual farmer does, in fact, need this finance and cannot obtain it under domestic arrangements, then either the £18,000—or whatever the figure may be—does not exist, in which case the Treasury will have the added headache of trying to find capital elsewhere, or it is held by unsympathetic persons from whom it will have to be enjoined. I will deal with that aspect anon.

Failing loans from family sources, Sir, I entirely agree with the hon. Mover that it is essential that the loan agency should be a reputable and probably quasi-Government organization. I very greatly doubt the desirability of loading this task on the existing Land Bank. Here I am in agreement, Sir, with the hon. Member for Trans-Morosi and in disagreement with the Temporary Minister for Finance.

[Mr. Bompas]

There is an obvious temptation, Sir, to assume that economies in overheads might ensue by use of an existing machine. I question most strongly whether this would prove so in practice. The existing Land Bank deals with a comparatively few borrowers of large amounts. The administrative cost of handling a loan of £3,000 is little more, if any more, than the administrative cost of handling a loan of, say, £50. The scheme envisaged for African farmers would involve, of course, dealing with a huge number of small borrowers and indeed a large number of depositors. The margin between the borrowing and the lending rates must almost inevitably be greater in respect of an African scheme than in respect of the present Land Bank, as confined to European borrowers.

That, Sir, I believe would be true even if a great deal of decentralization were possible in the shape of unpaid assistance from district commissioners, administrative officers and so on. The addition of any appreciable number of small borrowers to the framework of the Land Bank would inevitably, in my submission, increase the basic overheads of that organization and would, in the long run, react to the detriment of the present European borrower, unless it were possible to keep these organizations in two quite separate compartments. For that reason, Sir, I believe that it is in every way preferable that they should, in fact, be separate organizations.

A further contra-indication, Sir, is that the present Land Bank, its Board and its valuers, are geared to deal with conditions applicable to farming on a fairly large scale; a Board and valuers with a totally different background and a very different set of values would seem to be essential.

I was glad to hear the hon. Member say that he did not want to see the suggested deposit system trespassing upon existing investment sources. I do not imagine the Treasury would take very kindly to any poaching upon its tax certificates or local loans; and diversion of funds from these, or from building societies or similar organizations would, as the hon. Member said, merely be robbing Peter to pay Paul. However, if the hon. Member's idea of a five per cent rate being

the ideal lending rate to aim at is correct, there is no danger of Peter being robbed anyway, because I would be most surprised if, short of an element of subsidy, the suggested Land Bank operating a multiplicity of small accounts could, as was suggested by the Minister for Finance, operate really economically. Personally I would put the margin required at no less than two per cent.

The hon. Member indicated, Sir, that a process of mutual aid by the African for his fellows was called for, and that it should be to the African saving capacity that we should look for funds. He went on to say that the lending organization of which he is a director did not feel that tapping funds from the African reserves would in any way run counter to the business of that organization. I can confirm, in respect of the building society with which I am associated, that that is also true. I cannot be so categorical about another building society which has rather specialized in touring the African land units with mobile banks. I wonder, Sir, also what might be the impact on the Post Office Savings Bank. These are aspects, Sir, which Government will have to weigh carefully.

I mentioned earlier, Sir, the cajolement of savings from hidden hoards in the reserves. The Post Office Savings Bank has obviously failed to draw these savings to itself. I believe that they will only be tapped by intensive propaganda, and very clever propaganda—costly, and with a sentimental slant—or, if I may use a modern Americanism, by some kind of "gimmick".

The hon. and gallant Member for Nairobi North produced just the type of thing I have in mind, some form of premium bond. In my belief, Sir, the complexities of identification, the appalling cost of operating any sort of savings bank which it not ancillary to something like postal business, would completely rule out the prospect of success of a more conventional form of savings organization.

A Southern Rhodesian building society in my knowledge, assessed that it had 1,400 African savings accounts on its books with an average of less than £7 per head. Needless to say, that section of

[Mr. Bompas]

its business was completely unremunerative.

These factors suggest to me, Sir, that probably the most likely thing to succeed would, in fact, be some form of premium bond, carrying a token rate of interest, as used to be the case and may still be the case in Sweden, plus a prize for the lucky ones. If these could be of a bearer nature, identification and registration would be avoided and the cost thereof would be avoided. They could be sold possibly in something like £5 units through administrative officers, possibly even purchased by instalments on some basis of stamping, something in the nature of a *kodi* stamp perhaps.

Mr. Speaker, the sting, as so often happens, is in the tail. I would just like to remind hon. Members that it is only the first 1/32 of an inch of a bee's sting that really counts, and the remaining 1 ft. 6 in. is purely imaginary. The hon. Member spoke, Sir, of the instability of a few high-value deposits, short-term deposits, in any organization which has to do its lending long. I would concede to him that that instability is reduced by having a large number of small depositors, but a very real danger still remains, and this is recognized in building society legislation which statutorily prohibits the acceptance of short-term deposits in excess of 60 per cent of the total amount lent on mortgage. This means that a building society must have a substantial element of stable capital and cannot rely solely upon short-term borrowing. If this limitation is sound for building societies—and I believe it is—the same principle must obviously be applied to something of the nature of a land bank.

This aspect could be met, Sir, by the issue of premium bonds for redemption by annual drawing or at staggered dates.

These suggestions, Sir, I give without any polish; they are somewhat random thoughts which I hope the House will find not entirely destructive but which may lend some ideas to the debate.

I beg to support, Sir.

MR. SWYNERTON: Mr. Speaker, Sir, I would very much like to welcome this Motion and the fact that the Mover has brought a special Motion to focus attention on the need for rural credit for the

African areas. I also welcome the Member's statement that he, in fact, hatched the egg. I am not sure, in fact, that similar eggs have not been hatched in the past; however, I nevertheless welcome the Motion.

There are two matters which have intrigued me in the course of this debate. The first is the remarkable improvement which has taken place in African farming over the last year. I think it is almost a year to the day that we were debating a Motion which indicated that, in fact, there had been no progress in African agriculture and that there was no confidence in our plans for developing it. But over this single year we appear to have got to a stage of development where we need to put a lot of money into stimulating and fostering the good farmers who have developed during that year.

The other matter that intrigues me, Sir, is this treasure hunt for £18,000,000. I am very surprised that we are all here today, having heard about it yesterday; I should have thought we would all have been in buggies hunting for it.

It is natural from this side of the House always to start off by saying that, in fact, things are already being done, and I would just like to outline one or two, though I will agree with the Mover that not nearly enough finance is available and thank him for his suggestions with regard to sources. In the first place, of course, the African Land Development Board has got various loan funds which it issues out for various loan purposes. It has funds for loans to individual farmers, as I think has been mentioned in this House recently. The fund for this year, I believe, is £30,000 which, in fact, would only supply 300 African farmers at £100 apiece—and that is only a drop in the ocean of our requirements. The African Land Development Board has funds for development of rural water supplies, development of grazing schemes, development of cash crop factories, and so on, those funds being issued on a greater security than the loans to individual farmers in that they are generally backed either by African district councils or by co-operative societies or, in some cases, by the Cash Crop Marketing Board. I would also say, as my hon. friend the Temporary Minister for Finance has said, that the

[Mr. Swynnerton]

Government is investigating very carefully all the sources of finance for the purpose of stepping up our contribution to African farming. In the main those sources, I must admit, are outside Kenya rather than inside Kenya.

At the present time the facilities for Africans themselves to invest in their own farming are pretty limited, but I will put out just another idea a little later on as I go along.

I will not repeat what I said in the debate on the address from the Chair, which was in brief that African farming, the development of cash crops and so on, farm plans, farm layout, the need for livestock improvement have reached a stage where individual farmers require a certain amount of money to put into their holdings in order to stimulate development. I have always stressed that that amount of money should be limited to the immediate productive needs of the farmer, and not that loans should be dished out to the tune of £300 or £400, when in fact a loan of £50 or £80, plus the working power of the farmer himself, will suffice, because every drop of the farmer's sweat is worth, more gold than every pound of money borrowed.

There are two types of loan in this context. I think the Mover really has been referring to loans to individual farmers, but it is our aim so far as we can in developing production to try to develop production for the export market. We do not want to over-saturate an already saturated market. We cannot control what farmers wish of their own volition to grow, but if we can encourage them to grow crops for the export market we are serving two purposes. We are bringing fresh money into the country and we are reducing competition locally. Therefore it is necessary to have loan money again where necessary to develop processing factories; that is so that the primary product can be put on to the market in a saleable condition.

In issuing loans to individual farmers, I first of all said that the farmer must not have too much money, more money than he can usefully apply, or productively apply. The next one is that I do not consider that a farmer should get loans of these natures unless he has a proper development plan for his farm.

That is, he has got a plan and a programme of development, with a list of items put in order of priority and the productive items coming first. It may be livestock, it may be cash crops, but something that is going to bring in money very quickly in the early years, because I believe in the long run the farmer must be able to finance his own development himself; that his development having been activated he must then use the profits which he may get from his butter-fat, his coffee, his tea, his pyrethrum, his pineapples, whatever it is, to pay for his own subsequent developments and repay his loans. The aim of these loans initially should be to get things started. I say this because there are probably 600,000 African farmers in this country, and if you gave them £100 each the figure is astronomical. Therefore, we have got to ration the money out strictly and we have got to get that money back as quick as we can in order that it may be available to be loaned to the second tier of farmers who are coming along.

We also have to be sure that the farmers who are developing their farms and get these loans are in fact capable of efficient management, that they know how to use the money to the best advantage, and if they are paying for labour to do various jobs such as preparing land, de-couching land, putting in fences, putting in buildings, that that labour is fully and usefully employed. Very often one, two or three of these labourers could well be dispensed with if the farmer and his wife and his eldest son in fact did those jobs themselves and did not just stand by and pay out the money. Therefore, that is the most important aspect of these development loans for African farmers; that the farmer should be able to manage his undertaking and that he should be able to manage his labour efficiently. I would envisage in a loan of this nature that repayment would take place fairly quickly between year five and year ten from the issue of the loan. Very often it may be necessary to have a moratorium of repayment for the first couple of years till the asset comes into production, but once it does come into production, provided the loans are kept at a reasonably low level they should be repaid within five to eight or ten years.

[Mr. Swynnerton]
provision must of course be made for catastrophes. In this country our scientists tell us that east of the Rift in six seasons out of 20, or six seasons in ten years, because here we get two seasons a year, we may expect crop failures; we may expect failure in a cash crop through drought, through a disease such as coffee berry disease or from a price collapse or failure of the food crops of the farmer. Therefore, there must be consideration of skipping repayment in one year, or even one season, and adding the repayment on at the tail end.

I want to say a word of warning on agricultural indebtedness. It is a thing that we have largely been able to avoid in African farming in this country, but all enterprises nowadays do appear to develop on credit. That is a very good thing: Government does it, big companies do it, individuals do it, because he pounce you pay back twenty years hence is likely to be less valuable than the pound that you borrow today. The opposite, of course, happens in insurance. The pound you get back in 20 years is very often worth less than the pound you put in today. There is that danger, and I think it is a danger that may very well be facing the European farming community at the present time, that debts will be built up which the farmer cannot repay, and I therefore very strongly support the various suggestions that have been made, that Government should have some control over rural credit to see that no millstone is hung round anybody's neck.

Reference has been made to the size of holding and economic holdings. I think the last speaker mentioned the use of holdings that were too big to lease out portions to tenants. There are two factors in the size of economic holdings. I agree entirely with what the last speaker said, Sir, where African land is not being used to the best advantage because the land area is in excess of the capacity of the farmer to farm it, there should be assistance to that farmer by surveys and farm plans, whereby he may develop it as two or three economic farming units and lease out one or two of those to deserving landless people, until such time as he or his sons need it. At the other end I believe that we cannot afford to finance people at this

stage who have sub-economic holdings or who, through the course of time, are able to subdivide their holdings down to uneconomic levels, that is subsistence level or below. We must consider in all this the 'minimum economic unit' in fostering this development. We should certainly encourage people with uneconomic units to build up economic units—in the use of this finance.

I come now to the question of the sources of funds which could be used for the purposes proposed. As I said, the African Land Development Board already annually has limited funds, and those funds are not nearly sufficient. African district councils have substantial funds invested in their agricultural betterment funds and so on, but unfortunately they are tied up in stocks which have depreciated since the time that the investments were made, therefore it is difficult for those councils to take out their money and to put it into this sort of development. Co-operative societies also build up funds and I am happy to say that so far as coffee is concerned a large number of coffee factories which cost £2,500 or £3,000 apiece are financed by co-operative societies. In districts where coffee development is in its early stages co-operative societies may come to Government for financial assistance in the form of loans; but when you get societies as big as the Meru Coffee Co-operative Union, and the Embu Coffee Co-operative Union and the Kisii Co-operative Union, they do in fact have sufficient reserve funds to be able to build coffee factories for the splinter groups of new developing co-operative societies. I believe, Sir, there is great room for the use of co-operative credits in this sort of development.

Outside agencies who might well be able to assist us in the years to come are of the nature of the World Bank, the Colonial Development Corporation, the United States International Cooperation Administration, and so on. It is the wish of many people who get these funds, particularly the people who administer them, to have revolving funds, because they can then tell what funds are going to be available to them into the indefinite future. That is, when a loan is repaid at the end of five years by a farmer it does not just disappear back into the maw of the Treasury; but,

[Mr. Swynnerton] on the other hand, if we do get funds from outside sources there is a term to those loans. We may have to repay them in ten, fifteen or twenty years, and therefore it is impossible in those circumstances in fact to keep funds from such sources revolving indefinitely.

I mentioned processing plants. I believe that we can get substantial assistance for the development of tea factories and sugar factories, just as commercial companies in this country have already developed canning factories. I believe that in the course of time the African producers themselves can assist towards this finance. I believe that were we to set up a tea factory, let us say at a cost of £70,000, we might be able to get a company to come in and put a proportion of that money and take out the managing agency, a Government concern, or we might get the Colonial Development Corporation to come in and put in a proportion of, say, £50,000, but make available of that a proportion to be sold as shares to the producers; either to subscribe before the project develops ten shillings or £1 shares, or to subscribe by means of a cess on their produce. For instance in the Nyeri tea scheme, the repayment of Government through the years will be effected through a cess on the produce. It may well therefore be possible in due course for those growers to actually hold shares in the Central Province Tea Marketing Board which organizes the development of tea in the Central Province, or in the Nyanza and Rift Valley Province Tea Marketing Board which is about to do so in those provinces. That is a possible source of getting money from the producers themselves.

I will not touch in detail on the difficulties of administration of the proposals which the hon. Mover of this Motion made, because I think he probably fully appreciates the difficulties of getting small sums of money from large numbers of people administering those funds and re-issuing or repaying those sums. I would however refer to just one agency which has already been set up for administering funds in African districts. The proposal has been made that an African Land Bank should be established. I believe that some such organization will be very necessary to

co-ordinate all the finance coming in and all the finance going out, but at district level in five districts in Central Province, and in four in Nyanza Province, there have already been established African District Council—Land Development Joint Boards, to which the African Land Development Board will make loans. Therefore in these districts there is already a Joint Loans Board which can take finance, and which can issue finance. The various projects for which it can issue finance include water supplies, a farming project which includes the development of factories and land development schemes which will benefit Africans, African companies, African co-operative societies or other African corporate bodies in existence. Therefore the organization at the district level for administering funds that are allocated to it has been established. That is not an organization which could collect money from the depositors within a district, as it is at present formed. The funds which go to those Boards include money from the Treasury, money that may be voted by African district councils, money from interest or repayment of principal, and an item which says, "all other moneys payable to the Board". That my legal friends may be able to explain, but there is nothing else in those regulations which says what those moneys are, in other words, whether they could in fact collect subscriptions from farmers or not.

I think, Sir, that brings me to the end of the notes that I was speaking to. I would finally just say I very strongly support the Mover in his proposal that there is a need to maintain the impetus that has been given to African farming as I say, over the last year. Sir, I beg to support.

MAJOR DAY: Mr. Speaker, Sir, I would rise to support this Motion wholeheartedly.

I would like to put this point of view: it is the main reason why I support this Motion. History has proved that if you have a stable land owning peasantry, they are far less liable to seduction by fanatical nationalist leaders. I feel, Sir, that the sooner we can get this state of affairs, which has already progressed so far in the development of agriculture in the African reserves, the sooner we would have a greater degree of stability in this country politically speaking.

[Major Day]

I should like, however, Sir, at this point to say that I indeed agree entirely with the remarks made by the hon. Member for Kiambu; and would stress particularly (although perhaps it's no longer necessary) that the difficulties inherent in any type of machinery for producing loans to African farmers in the European Land Bank are, to my mind, insuperable. I would not like to see, Sir, the European Land Bank having to deal with loans of this kind.

I beg to support.

MR. SMITH: Mr. Speaker, Sir, this Motion so clearly put forward by the hon. Specially Elected Member requires the provision of finance for African farmers in the areas recently consolidated. I take this to mean, too, Sir, as applying very largely to the Central Province resulting possibly from the hon. Member's recent visit, but I do trust that other African farming areas, too, particularly where enclosure has been so rapid within the last year or two, will come under review. I do refer, of course, to those areas such as Elgeyo, Nandi, Kipsigis, North Nyanza, and Elgon Nyanza. I would envisage that these development loans to improve the African farmers, as indeed my hon. friend, the Director of Agriculture, has said, should probably benefit first the African who has a planned farm; that is, a farm planned by the Department of Agriculture. Then would arise, Sir, the question of security for the loan offered. I believe here, the issue in due course of individual titles as suggested in that excellent Paper, The Working Party's Report on African Land Tenure, might well become a basis of loan security, but I do think still, Sir, that in the African land units, owing to the size of the holdings, too, special arrangements may be necessary for security and will have to be considered.

My next point, which I think may well be investigated, Sir, under this Motion, is the question of loans within the scheduled areas. To go back a little, those of us who were farming here in the early 1930s and probably before—though I see very few here today—remember that agricultural loans could be obtained in the first instance through I think it was called the Agricultural Advances Board. This Board was, I

believe, absorbed eventually by the Land and Agricultural Bank of Kenya. Since the war, this particular bank continued to issue loans in its normal way and has also been issuing special loans such as were produced for rehabilitation and more recently what were called development loans. These were administered by the Board of Agriculture through the Settlement Board.

I am not at all convinced, Sir, that these development loans were in all cases issued to the right people. It is only those already carrying a considerable burden of debt who are eligible for these particular loans. I would like to see that all farmers in both the scheduled and non-scheduled areas eligible for loans, long term or short term, from the Land and Agricultural Bank of Kenya. I believe that is its function, Sir.

My third point—again I feel sure this might well come under investigation at the same time—is the question of the maximum amount of any loan available to an individual. I am assured that there have been cases where investors from overseas, probably with something in the region of £20,000 or more, and requiring possibly £10,000 on loan, have been turned away. I believe this matter is under consideration now by my friends in the Treasury; perhaps they will give us some information in due course. This seems to me to be quite wrong, any investor willing to risk his money in Kenya—I think we farmers in Kenya, too, should give him every encouragement.

Mr. Speaker, I beg to support.

MR. WANJUTU WAWERU: Mr. Speaker, Sir, in supporting this Motion, I would first of all congratulate the hon. Mover on the way he moved the Motion; but at the same time, Sir, I do not agree with some of the points expressed by the hon. Member for Kiambu because if I understood him correctly, he spent most of his speech in dealing with the difficulties and not dealing with the ways of making this Motion workable.

Looking at the wording of the Motion, Sir, I see that the hon. Mover said: "I urge Government to investigate the possibility of expanding the resources of the Land and Agricultural Bank of Kenya". These words, Sir, though I investigate the possibility—I thought

[Mr. Wanyutu Waweru] that the hon. Member for Kiambu was dealing with the point of investigating the impossibilities.

As the hon. Director of Agriculture was speaking, Sir, he mentioned the period within which the money can be repaid, and I understood him to have said that within a period of five, eight, or ten years, the money should be repaid.

I happened, Sir, to be a member of a committee that was administering the special Emergency loan assistance to farmers who were affected during the Emergency and I remember, Sir, that the period within which the farmer was not asked to repay the money was five years; and to pay the loan within the next 15 years. I am an experienced farmer, Sir, and I know that when one has a certain loan and is asked to repay that money within a very short time, sometimes it is not possible for the farmer to get the profits out of the money if he is to repay it so soon. I would like the money to be repaid over a longer term.

This Motion, Sir, strengthens the Swynnerton Plan which has become very popular throughout the Colony although it has had some criticisms from the Africans in Kenya. However, I think the money, if it can be found, will help to expand the plans which have given a very good start in the African areas.

I know, Sir, that the question of organizing marketing which I have quite often mentioned in this Council will come into the picture. I know, Sir, that the Minister for Agriculture would go to the point of a 20 per cent cut if he had been affected. I think that this is a problem which is very serious throughout the Central Province, Elgon Nyanza, and the Kipsigis Area. I know that where enclosure has taken place there are cries for farming loans. At the same time I know that the question of marketing is always raised. I do meet quite a good number of farmers from all over Kenya and whenever I discuss the problem of land consolidation with them I am always faced with this problem of marketing.

I was glad to hear the hon. Director of Agriculture mentioning the Cash Crops Marketing Board. I would like that Board to be enlarged and I know that the Director will ask me where is he

going to get the money to pay the salaries of the increased staff. I have a suggestion to make, Sir, and that is that a produce cess should be placed on the sale of production. This would pay the salaries of the increased numbers of staff. When I look at the various African district council estimates, Sir, I do see that they do employ marketing officers, and if they do not pay them their full salaries they often at least pay half of their salaries. If the African district councils can do so, Sir, I do not see why an organized marketing board run by the Central Government cannot do the same. Otherwise I would say that if we are late in organizing the marketing system for our produce in Kenya it will be too late, when we will have more produce than we can consume within the Colony. The marketing should be organized so that we can make the best use of the land available.

With these remarks, Sir, I support the Motion.

MR. COOKE: Government having accepted the Motion, Mr. Speaker, I do not think there is very much more to be said about it. But I do hope that the Government will get on with this matter.

I was one of the few Members who went through the Kikuyu Reserve lately, inspecting the land consolidation work, and I must say that it is about the most magnificent achievement that the Government has ever accomplished in this country. The only weakness, I think, Sir, is that there may be this lack of finance to enable the smallholders to keep their land in good heart.

I therefore heartily support the Motion moved by my hon. friend.

MR. BUTTER: Mr. Speaker, I will try to be as brief as possible in dealing with the points raised by hon. Members, both on the opposite side and on this side.

I hope that the hon. Member, the hon. Second, and the hon. Specially Elected Member, Mr. Waweru, will not be too disappointed if I begin by re-emphasizing what my hon. friend the Minister for Finance said, and what was further explained by the hon. Member for Kiambu, that it is not an easy business to set up a new organization that will accept deposits and issue money to

[Mr. Butter] depositors on demand in a cheap manner. I must confess that I do not myself think that on investigation we will find that it will be possible for the Government to set up what in effect would be a banking service in the African reserves. The organization that has the most experience in dealing with small African accounts is the Post Office Savings Bank and I am happy to be able to assure the hon. Member for Kiambu that it has been most successful in recent months in getting additional money and in opening new accounts. The bank, admittedly, only pays interest at 2½ per cent, which is tax-free, but it only just manages to cover its expenses. The reason for that is that the average size of the accounts is only £8 and the cost of each transaction is considerable. However, during the last six months the Bank has succeeded in opening, owing to the energetic efforts of the Controller, Mr. Shives, some 15,000 new African accounts, which I think is very creditable. It has also experimented with the mobile van which has collected deposits in the last few months from some 3,875 depositors. The amount collected was £5,000 and the average deposit was sh 26 and on purely economic grounds, Sir, the expenses of operating the van would not be covered by the amount of money collected. On the other hand it does stimulate people to invest; once a man has opened an account there is hope that he will put more money in later. But to establish static banking facilities in many places in the African areas would be far more expensive than operating a mobile van and even less economic.

I think that I should also mention that the commercial banks have also shown considerable energy and initiative in opening up in the African areas. I understand that in Nyeri they have collected deposits of over £50,000 in quite a short period from Africans and I hope that when the new Land Tenure Bill comes in the commercial banks will be able to lend money on a short-term basis to Africans on adequate security.

There is the point made by the hon. Member for Nairobi North and before any of us embark on a treasure hunt in the reserves we should just glance at the actual figures of the currency in

circulation which for the whole of the East African currency area is about £60,900,000. Now, leaving out Aden, British Somaliland and Zanzibar we get a figure of about £54,000,000 for the whole of East Africa of which Kenya's share is certainly not more than one-third. That being so, Sir, I do not think that the total amount of currency in the whole of Kenya exceeds the figure of £18,000,000 mentioned by the hon. Member. He can further, of course, deduct the money that is lying in the banks which, according to the latest Statistical Bulletin, is about £3,200,000. So I think that in the whole of Kenya there is unlikely to be more than £14,000,000 or £15,000,000 in currency notes and coin with the public.

On the other hand, Sir, I do agree with him that there probably is a fairly substantial sum buried away in the reserves, and the success of the Post Office Savings Bank and the commercial banks in getting some of this out of the ground is, I think, very encouraging. I also agree with the hon. Member that it would not be to the advantage of the country if by setting up a new organization we merely took money away either from the commercial banks, which we hope will perform a useful service for the African farmers, or from the Post Office Savings Bank.

Here, Sir, I think I should mention that the Post Office Savings Bank money can be invested up to a limit of one-third in Kenya Government Development Stocks; so that does mean that money received by the Post Office Savings Bank can find its way back into development loans to Africans.

The hon. Member for the East Electoral Area suggested that we might adopt a scheme on the lines of the village banks in India. I would be glad to have details of how this system works and although I have probably spent more years in India and Pakistan than the hon. Member I have perhaps not visited the country quite so recently. On the other hand, I have, I admit, come to the conclusion that conditions here are so very different from those in India that it is very difficult to make use of Indian experience in the Kenya context. I will not delay the Council with an exposition of the Indian village system but the hon. Member will know what I

[Mr. Butter] mean when I say that there is nothing comparable here to the village *Panwai* and system of land records which does enable a very comprehensive control to be kept and knowledge to be gained by the Government of what happens in the villages.

There was certainly development of co-operative banks in my day. The main difficulty was that the secretary or the treasurer quite often tended to go off with the funds.

There are one or two more points which I think I have not dealt with. The hon. Member for Trans Nzoia suggested that there should certainly be a separate land bank for dealing with African farmers, and that point was also supported by the hon. Member for Aberdare. I think that they need not be afraid that the overhead costs of the Land Bank will be unduly inflated if the Land Bank is brought into the system of loans to farmers. The Land Bank is not a European Land Bank; it has under its Ordinance power to lend money to all races, provided security is adequate, and will carry out its duties under that Ordinance.

The idea put forward by the hon. Director of Agriculture that the Joint Loan Boards might be used as agencies for actual issue of loans in districts is, I think, one we will certainly pursue, but I must confess that I myself look forward to the day—it may be fairly distant—when farmers, both European, African and Asian, look to the commercial banks for their immediate short-term needs and look to one organization—possibly an expanded Land Bank supported by the Government—for their long-term development loans. That I think answers, to some extent, the point of the hon. Nominated Member, Mr. Smith.

The hon. Nominated Member, Mr. Smith, also asked whether areas outside the Central Province would also be considered for loans and I am sure they will. He also asked whether the limit of £7,500 on Individual Land Bank loans could be raised and I hope that legislation to that effect will be brought before the Council before very long.

I do not think there are very many other points, except that if I ended here I think the hon. Mover would accuse me

of having made a purely destructive speech and of not having shown any constructive spirit at all. I would therefore like to end by saying that we have a number of ideas in mind for obtaining money for development inside the African areas to supplement any money we may be able to obtain from sources such as the World Bank. There is an idea which attracts me and which is very close to the idea put forward by the hon. Member for Kiambu, and that is the idea perhaps of development bonds which I think might be issued in rather lower units than £5, and which would be repayable—shall we say, a Sh. 20 certificate would become Sh. 30 over the appropriate period. That would avoid the difficulty of operating a large number of individual accounts and would avoid the difficulty of calculating interest on small amounts and the administrative costs of paying interests half-yearly or yearly to a lot of individuals all over the Colony. We will certainly investigate that further.

We have, of course, already examined the idea of premium bonds and the administrative costs of a scheme on the lines of the United Kingdom scheme are likely, as far as we can see, to be too high to justify an experiment of that nature.

The issue of development bonds, if we do find this to be practicable, would also meet the point made by the hon. Member for the Western Electoral Area, Mr. Nazareth, because, of course, the accumulation in the value of the bond would not be taxable.

However, I fear that the idea that these bonds should be bearer bonds would be difficult to agree to because on any tax-free security you have to have a limit on individual holdings; therefore, I think you have to have a register of the individuals who hold the bonds.

I cannot, of course, guarantee that we will find this matter practicable but it is one of the methods we are examining with a view to doing what the hon. Mover wants, which is to find money for loans to African farmers and secondly to tap the resources which we believe to be available within the country to assist our development.

Lt.-Col. McKenzie: Mr. Speaker, my apologies to my hon. friend, Mr. Cooke, for having got up to speak to this Motion.

[Lt.-Col. McKenzie]

I would like, Sir, to support the warning which was given by my hon. friend, the Member for Kiambu. I feel, Sir, that for this loan agency to be a success it needs education from the word go. I do not think we want to be led astray either by the post office or the success which the building societies have had. I feel, Sir, that the African is, to a certain extent, a gambler and if there is a large portion or even a paltry million or two in the reserves, hidden away, this money is usually utilized by the elders for the purchasing of wives and for lending to friends in difficulty. I am not over-keen, Sir, on seeing this old method of enjoyment being upset.

Sir, helping needy friends over numerous drinks of beer of a week-end has been a mode of utilization of money available by Africans for many years. If this method is a success in getting the money, are we sure that agriculture is the right place where it should be utilized? We appreciate, Sir, that it will need marketing, there will have to be people on the ground, as far as land consolidation is concerned, to see the money is used properly. We know that the investment of the European farming is very great; we know that a lot of the money given out to the European farmer by large commercial concerns or banks has not been well-controlled once it has got to the farmer. We continually hear of abuses of loans under development schemes and the G.M.R., and we must admit that there will be innumerable snags before this works in land consolidation.

Now, Sir, when this money is found, I would like to know from Government if they would not consider using it in self-help for African education, perhaps, or African local authorities, perhaps even to help the co-operative societies. For instance, if a lot of this money is found in Masailand—or at least we are led to believe they have a lot of money. How can we benefit the Masai? Would it not be better if we utilized that money, for instance, in handing it over to the Minister for Tourism to put up hotels in the Masai Area?

Sir, the point I am trying to get at—although I do support this Motion—is that I think that the Government, if this

money is forthcoming, should not look at only for utilization in agriculture. There are other fields in which it could be utilized.

Mr. Stade: Mr. Speaker, Sir, I must start by acknowledging the truth of what my hon. friend who seconded this Motion said—namely that he was the one who first put this thought into my head, however many people may have had it already in theirs. I do welcome very much the response to this Motion, such a good response that I need not say very much. There are just a few points that I would like to make clear.

First of all, the Motion does, in fact, refer to all farmers of all races, and I would not like hon. Members to overlook that fact, though the emphasis has been particularly on African farmers, and particularly, among them, on those who are just in the process of consolidating their lands.

What has been made clear, I think, Sir, in this debate is that probably the problem of loans to Africans will have to be treated on a rather different footing from that of loans to farmers of other races; and it did seem to me that a strong case was made out for a separate Land Bank, for that purpose of earmarking the money that you are raising from this particular source that we have in mind. If you are looking particularly among Africans for the purpose of raising money to lend to Africans, you may be more successful in your efforts, and find the matter easier to handle, if you have a separate bank for that purpose.

Very many interesting points were raised in the course of this debate, from which I personally have learnt a great deal. I will not waste the time of the Council by touching on them now. I was particularly interested in what the Director of Agriculture had to tell us. I do recognize, of course, Sir, the difficulties that have been pointed out over raising money by small deposits and the cost involved. Hon. Members who have done that have been quite right to do so; one has got to face the difficulties in these things and not walk on air. At the same time, I believe that the effort will be worth the cost, even if the cost is such as to necessitate a moderately high rate of interest for the ultimate loan. It would still be worth doing.

[Mr. Slade]

As regards the smallness of the deposit, I see no reason why there should not be a minimum deposit required, without chasing away a great deal of the money which might otherwise have been available.

What I do not agree with, Sir, is the suggestion made by my hon. colleague, the Specially Elected Member, Col. Bruce McKenzie, that if this money is available to be tapped there are other things than agriculture which have first claim on it. We have talked about priorities in expenditure before, and I would like to stick to them, that next after security, our greatest need is rapid economic development. That is the thing that we need money for today, and particularly in this field of African farming, because of the temporary—repeat, temporary—impetus that is there now.

I did, Sir, appreciate very much the constructive effort of the Permanent Secretary to find an alternative in case my original idea of deposits does not prove to be the right answer, and the efforts by my friends, the Member for Kiambu and the Member for Nairobi North. These ideas of development bonds, of premium bonds even, are very interesting and I can see that they may in the end prove to be the better answer. If they are the answer, of course, I shall welcome them just as much as I should welcome the establishment of the deposit accounts I had in mind.

There is only one further point I want to make, Sir, though it may be rather barren with some of my colleagues absent from this Council, and that is that the success of this—whatever form it takes—is going to depend very much on an appeal to the patriotic sentiment of the African himself, and therefore on propaganda—as my hon. friend, the Member for Kiambu pointed out. That propaganda will possibly be obviously in the hands of the African Elected Members more than anyone else. I know they are as keen on this development as I am; I only hope that, although they are not here, they will appreciate that it is very much up to them to see that this campaign succeeds.

Sir, I beg to move.

The question was put and carried.

BILL

FIRST READING

The Consolidated Fund (No. 3) Bill
 Order for First Reading read—Read the First Time—Ordered to be read the Second Time today.

SECOND READING

The Consolidated Fund (No. 3) Bill
 Order for Second Reading read.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would remind hon. Members under Standing Orders No. 73 and 83 as amended all stages of Appropriation and Consolidated Fund Bills can be taken on the same day.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, I beg to move that the Consolidated Fund (No. 3) Bill be now read a Second Time.

Mr. Speaker, Sir, the object of this Bill is to give effect to the financial resolutions which were accepted by this House yesterday. This is purely a formal matter and I trust that it will be accepted by the House as such.

Sir, I beg to move.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council today.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Consolidated Fund (No. 3) Bill

Clauses 2, 3, and 4 agreed to.

Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

LT. COL. MCKENZIE: On a point of order, are we in fact a quorum?

THE CHAIRMAN (Mr. Conroy): It is my duty to count to see. Yes, we have a quorum.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Chairman, I beg to move that the Committee doth report to Council its consideration of the Consolidated Fund (No. 3) Bill, and its approval without amendment.

The question was put and carried.

Bill to be reported without amendment.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT AND THIRD READING

The Consolidated Fund (No. 3) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I have to report that a Committee of the whole Council has considered the Consolidated Fund (No. 3) Bill and has approved the same without amendment.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that the Consolidated Fund (No. 3) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business on the Order Paper. As hon. Members are aware, the Sessional Committee has suggested that we do not meet again until 2nd December. I therefore adjourn Council until 2.30 p.m. on Tuesday, 2nd December.

The House rose at ten minutes past Four o'clock.

Tuesday, 2nd December, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

East African Airways Corporation Programme and Estimates for 1959.
 (BY THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones))

Schedule of Write-offs of Revenue authorized by the Minister for Finance and Development for the quarter ending 30th June, 1958, for amounts exceeding £250 each.

Schedule of Write-offs of Revenue authorized by the Minister for Finance and Development for the quarter ending 31st December, 1958, for amounts exceeding £250 each.

Schedule of Write-offs of Revenue authorized by the Minister for Finance and Development for the quarter ending 31st December, 1958, for amounts exceeding £250 each.

Report on Double Taxation Agreement with Denmark.

Report on Double Taxation Agreement with Sweden.

(BY THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie))

The Report of the Sessional Committee on the circumstances in which the proceedings of Legislative Council on the occasion of the suspension of certain Members of the Council on 5th November, 1958, were reported in *Uhuru* on 11th November, 1958.

(BY THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy))

The Pyrethrum (Amendment) (No. 2) Rules, 1958.
 The Registered Veterinary Surgeons (Election for Appointment to Board) (Amendment) Rules, 1958.
 The Veterinary Surgeons (Registration and Licensing) Rules, 1958.
 The Marketing of African Produce (Fees for Licences) (Amendment) (No. 2) Rules, 1958.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

Draft Transfer of Powers (Variation) (No. 3) Order, 1958.

Draft Transfer of Powers (Variation) (No. 4) Order, 1958.

African District Councils—Summary of Accounts and Report thereon for the year ended 31st December, 1956.

Report of the Commissioner for Local Government for the year 1957.

(By THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))

NOTICES OF MOTION

NATIONAL REGISTER FOR DOMESTIC SERVANTS

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council notes the decision of Government not to implement the recommendation in the majority report of the Select Committee appointed to consider and report on the situation with regard to domestic service for the introduction of a compulsory registration certificate for domestic servants and approves the intention of Government to encourage the increased use of Domestic Servants Registration Certificates issued under the provision of the Domestic Employment (Registration) Ordinance, reinforced by the introduction of a new National Register.

TRANSFER OF POWERS (VARIATION) ORDERS

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council approves the Orders entitled:

The Transfer of Powers (Variation) (No. 3) Order, 1958.

The Transfer of Powers (Variation) (No. 4) Order, 1958.

MOTION

LIMITATION OF DEBATE

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move, upon the directions of the

Sessional Committee, that in accordance with Standing Order 65 the debate on every Motion of which notice has been given—other than those relating to Bills—be limited in the following respect: that the Mover be called upon to reply when the debate has been in progress for two and a half hours.

Mr. Speaker, I move this Motion on the direction of the Sessional Committee; the Motion speaks for itself.

I accordingly beg to move.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.

Question proposed.

The question was put and carried.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 4

MR. ALEXANDER asked the Temporary Minister for Finance and Development what was the balance of payments figure for Kenya at the end of 1957?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): No balance of payments figure for Kenya is available.

MR. ALEXANDER: Mr. Speaker, Sir, arising out of that reply, is it possible for certain deductions to be made in respect of Kenya from the East African balance of payments figure?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Hon. Members may draw deductions from the East African balance of payments figures. That is possible.

MR. ALEXANDER: Mr. Speaker, to help us on this side of the House, would Government itself be prepared to make a study to arrive at certain conclusions?

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): That, Sir, is another question but it is a matter that Government would be prepared to consider.

QUESTION No. 21

MR. USHER asked the Minister for Commerce and Industry why there has been so great a delay in regard to the reconstruction of the runways at Port

[Mr. Usher]

Reitz Aerodrome, what is the result of the tests which have been carried out, what conclusion has been drawn from the Report of the Consulting Engineers and what is the intention of the Government?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Sir Alexander Gibb and Partners (Africa) were appointed in June, 1957, to prepare a preliminary project report for the reconstruction of the main East/West runway at Port Reitz Aerodrome to a standard to enable regular use to be made of the airport by aircraft up to 82,000 lb., all-up-weight. This would, of course, include the Canadair aircraft of the East African Airways Corporation. The report was received in April, 1958, and has been studied by the Ministry of Works. Certain technical aspects of the Consultant's recommendations have been the subject of further discussion between the Ministry of Works and the Consultants. These discussions are now complete.

The Consultants have confirmed that the existing runway is inadequate and have recommended reconstruction of the East-West runway to the standard to which I have referred.

The Government recognizes the importance of Mombasa Airport as a link in interterritorial and inter-city services and is seeking ways and means of finding the necessary finance for reconstruction, as soon as possible.

QUESTION No. 51

MR. JAMIDAR asked the Minister for Internal Security and Defence:—

(a) How many firearms belonging to civilians are held at Gilgil by the Government? What is the breakdown of this figure according to races?

(b) Does the Government intend to release these weapons to their owners in the near future? If not, does the Government intend to pay these owners any compensation?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): (a) There were 30,115 privately-owned firearms held in the Police Arms Store at Gilgil

on 30th September, 1958. Records showing a breakdown according to races are not maintained.

(b) Weapons so stored at Gilgil are released to their owners on application, provided that the owner has the certificate necessary under the Firearms Ordinance entitling him personally to possess or to transfer to an entitled person the specific firearm applied for. Ownership of the weapons has not passed, and no question of compensation therefore arises.

BILLS

FIRST READINGS

The Fencing Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Essential Services (Arbitration) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Methylated Spirits Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Entertainment Tax (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Defence Regulations Continuance Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

MOTION

LOCAL AUTHORITIES SOURCES OF FINANCE

SIR CHARLES MARKHAM: Mr. Speaker, I beg to move:—

THAT this Council requests Government to set up a Working Party to receive representations, enquire into, and report regarding the sources of finance at present available to local authorities, and their adequacy for the proper discharge of the statutory

[Sir Charles Markham] functions of those authorities, and the provision of them of such services and amenities as are deemed necessary.

Sir, this Motion is being moved on behalf of all my colleagues in the European Elected Members' Organization and has come because of the anxiety which has been expressed both publicly and in committees regarding the future of local government. It is, I believe, a problem which does require the urgent attention of this House. I make no apology therefore for bringing the matter forward this afternoon.

On any subject, Mr. Speaker, as large as this, there are bound to be those people who have specialized knowledge of various local authorities; and by local authorities, I mean, of course, both municipalities, African district councils, county councils and the lot. If, Sir, this afternoon I give examples, they will naturally, I am afraid, be based on my personal experience in a county council rather than my personal experience in a municipality.

I think all Members of this Council will have heard a lot about the problems of local government, both by correspondence in the Press and, again, by reading news items which have appeared in the Press regarding meetings of the various local authorities. The difficulty is, Mr. Speaker, that whether intentionally or not, Government is, naturally, keen to hand over further responsibilities to those local authorities who are capable of taking over those responsibilities. The difficulty, of course, rests with the financial burden that results from the taking over of such new responsibilities as may be agreed by the Minister and there has been a certain amount of criticism which has been aired publicly as to the financial liability which a council incurs should it agree to take over any such new responsibility.

If I may give a specific example based on my own experience: some years ago, the Nairobi County Council were asked by the Government to take over the health side of the county. Somewhat naturally, there was a considerable amount of discussion on the financial aspect of this takeover. The result was that, after many meetings, the Council took over the responsibility and then

there were many meetings with the Minister to find out exactly what the implications were of, first of all, a diminishing grant, coupled with rising costs of the service, and because of the difficulties experienced by that Council, the Minister then came back later on with a further generous proposal that there should be diminishing grants made to those authorities to assist them in their expansion.

The difficulty, Mr. Speaker, is that the sources of finance available to a local authority are at the moment strictly limited. If you look through the annual estimates of most of the local authorities you will find a very small proportion of their estimates income comes from actual rates. The majority comes from grants from Government either by way of grants towards salaries of officers or by grants for specific road work (such as is given by the Road Authority); or it is grants made by Government in lieu of payment of rates. But, on the whole, the amount of money that the County Council—or, for that matter, the City Council to a smaller degree—can expect does depend to no small extent on money they receive direct from Government. This, Sir, is no criticism of the Government method.

The difficulty is that with services being expanded, sometimes at the request of Government, the local authority finds itself in some embarrassment regarding shortage of funds. The easy way out, of course—in fact, there are two easy ways out: one is, of course, to cut down the service, and the other alternative is to add another burden on the ratepayer. Naturally, the average ratepayer treats rating as another form of direct taxation and, of course, many of them are reluctant for their own council to accept more responsibility unless there is a guaranteed cash donation over the years to cover the specific aspect of responsibility.

You therefore have the problem facing virtually the whole of Kenya today where Central Government have passed on to the local authority a greater share of responsibility for carrying out the services most suitable to be done by a local authority. But there is again this trouble of money. Just to increase rates in order to meet the expenditure without a similar reduction in

[Sir Charles Markham] central taxation is really doing nothing more than adding to the problem. There are so many specific problems facing local government, some of which are complex to say the least; some of which appear simple until you go into detail, and we have had warnings issued publicly as recently as about three months ago by the Chairman of the Finance Committee of the Nairobi County Council, who warned his members against taking over anything more because of the financial implications that might hit them later on. There are so many problems in a growing country that it is our belief that this subject must now be responsible enough to bear a full enquiry into its activities. It is interesting to note that both New Zealand and South Africa have gone through the same problems, both of whom have set up a commission to investigate the problem. What is of interest perhaps to this Council is that both these countries have now appreciated that there is a need for an enquiry to go into the whole aspect of local authority finance. I am not suggesting this afternoon, Mr. Speaker, that there is anything necessarily wrong with our present system but it could well be that there are sources of finance, there are different methods of collection of finance, which any Working Party, as suggested by this Motion, might find and might be able to recommend to the Minister.

It is perhaps interesting that the terms of reference of the commissions both in New Zealand and South Africa were altogether as follows—and I would like to read these out, Mr. Speaker, to make quite certain, Mr. Speaker, I do not get misquoted through my own bad English. First of all, they were asked, amongst other things, to look into the sources and adequacy of the revenue of local authorities. That, I think the Minister will agree, is nothing dangerous at all. The difficulty always is, on the question of the sources of revenues, is that we have been told in this Council, time and time again, that there is only so much money available and the Government must make the best use and the best distribution possible of that money. Similarly, we are told on occasions that local authorities must

realize that there is not unlimited money available, and they must cut their cloth according to what is available. Nevertheless, the fact remains that there is this feeling that, on some aspects, there is not adequate money made available to local authorities to carry out their proper statutory functions.

The next part of the enquiry was concerned with the trend of such revenues in relation to national income and production. That, Sir, is a very wide, sweeping term; it virtually means that your Working Party would have powers to go into all aspects, particularly regarding the national income. It was, I think, Sir, my hon. friend the Member for Nairobi West, who asked a fairly pertinent question about a fortnight ago regarding distribution of expenditure *vis-à-vis* the local authority and Central Government; and I presume when he speaks in this debate that he may well elaborate on the reply he got from the Temporary Minister for Finance.

The third part of the enquiry, Sir, was in respect of local authorities depending for their incomes substantially on rates: one, whether the portion of total revenue derived from rates is reasonable, having regard to all relevant circumstances, and whether a great part of revenue should be obtained from user or service charges. And two, whether present rate levies imposed undue burden on the owner or occupier of residential property and other property not producing income and, if so, whether any special provision can be made to alleviate the burden on this class of ratepayer. The main difficulty always on cases such as these is to find a method of rating which is equitable to all the ratepayers.

To give a specific example of that: previously in the area where I now live, the rating was based on so much per acre of land. Then we came on to another suggested method of unimproved site values such as exists in the city of Nairobi, today. Then finally, there was the third rate, which is the one now in operation in the area I live, which is based on the value of the house and the curtilage. But it is my personal belief that these matters require very careful and expert examination if the local authority is to find which is the method which is most equitable to their own ratepayers.

[Sir Charles Markham]

The next part of the enquiry, Sir, is concerned with whether other sources of revenue should be made available to local authorities and whether there should be changes in existing sources, including compensation adjustments.

Again, Sir, I would suggest that this paragraph (d) of the terms of reference does open a field to all sorts of suggestions which the working party might consider, such as, perhaps, the question of land rents going to the local authority, in the area concerned, as one of its sources of income; whether, as well, the licensing fees should not go entirely to the local authority. There are many other examples, Sir, which I do not think we need burden this House with this afternoon but which could be considered by such a working party.

Then, turning to a more major term of reference, it says "the sources of and the adequacy of capital money available to local authorities for permanent works and development". Again, this is perhaps a very wide term of reference which will allow the working party a full examination of the problem in front of it. We all know this and in fact I doubt whether there is any local authority in Kenya which is not short of capital funds to undertake what it thinks, in its own opinion, are vital new services; and of course we have at the moment a severe difficulty facing Kenya of an overall shortage of capital. But this particular enquiry, this working party, could investigate the sources of such capital money and perhaps make a valuable recommendation to the Minister who can, perhaps—and I use the word perhaps quite advisedly—find new sources of capital.

To go on from there the next part is "the desirability and practicality of financing capital work by means other than borrowing". This is no new suggestion, Mr. Speaker, as it has been suggested in other places; but again I wonder whether we have not overlooked it in Kenya and perhaps it might be worth while again for the working party to have a look at this problem.

The third point of that particular aspect was whether a greater degree of lending to local authorities can be

achieved without adverse effect on other essential development. When I had read this a bit I wondered straight away what reply you would get from the Government when we have our Development Estimates Debate—a large one, every three years—and of course there is always in any country which has not got unlimited funds the queue system where each in turn waits with cap in hand for the necessary funds to be made available to them. But sometimes I wonder whether the Local Loans Authority—I think that is the right term for them—has had sufficient money to undertake many of the desirable projects while other projects, not necessarily under local government, have gone ahead. I think that the working party would find out something of more than interest on a closer examination of this particular problem. I think that we have been told by the Minister for Finance when he was being questioned about the refusal to allow the Nairobi City Council to go into the market—he stated, I think I am right in saying, Mr. Speaker, that there was only so much available and that he could not allow a City Council to prejudice his own capital requirements on a loan basis. I may have misquoted him but the sense was roughly what I have just said.

We have been told by my hon. friend the Member for Nairobi West that in cases of capital borrowing you want to go into the fishing pool with two rods—one to fish for the trout, local government, and the other for trout, Central Government. That was rather pooh-poohed—if there is such a parliamentary word—by the Minister for Finance at the time. But such a working party as we suggest could investigate the allegations that it was untrue and perhaps report either way.

The last part of the enquiry concerns the very wide clause given generally on the agenda of any meeting of Any Other Business, which says: "Any associated matters which should be deemed by you to be relevant to the general objects of the enquiry". That gives the committee or commission a complete power to go into almost any subject.

Now, Mr. Speaker, this Motion asks for a working party to receive representations, enquire into and report. It is

[Sir Charles Markham]

always easy when asking for such a working party to be criticized with the suggestion that we have enough people brought in from overseas to advise us anyhow and therefore what more do we want? I am not, Sir, asking for any Royal commission. This is a working party which I suggest the Minister could set up consisting of local people who have great knowledge of local government in all its aspects in Kenya. We want no expert brought in from England whose knowledge is perhaps that of the Borough Council of Wimbledon, or somewhere like that. This is a local matter and we would like to keep it local. We do not envisage that this working party should consist of any great number of people, but just sufficient in order to make a full enquiry and to report to us. In New Zealand the Royal Commission, as it is there, has as its Chairman a retired supreme court judge and the remaining three members include a former valuer-general, whoever he may be, a former power board chairman, and a public accountant. I am not suggesting that we should have those sort of people necessarily on this working party.

What we would like is for the Minister to set up this working party as soon as possible to look into the problem as a whole and perhaps as a result of the deliberations of that working party he will obtain valuable advice on the whole aspect of local government finance.

I think, Sir, that I have talked quite long enough on this problem. There are other people who will have their say in a minute. However, Sir, I would like to end by assuring the Minister for Local Government that this Motion in no way reflects against the workings of his Ministry; and as far as we are concerned we are extremely grateful to him and his officers for the help they give us.

I hope that the Government will manage to accept this Motion for the very good reason that I believe it could be of great value to the country. As I said when I opened my speech earlier this afternoon there is anxiety amongst those people who have devoted many hours, many days, many months of their time to local government that something

is going wrong, Sir, in the machine. Unlike this Council, Mr. Speaker, their work is done on a voluntary basis and therefore I think we should try to reassure them, particularly if they have fears, and investigate such fears and to try to solve the problem.

Mr. Speaker, I beg to move.

MR. USHER seconded.

Question proposed.

COMMANDER GOOD: Mr. Speaker, Sir, I should like to congratulate the Mover on the very clear case he has made, and anything that I will say will be in support of the case that he has made.

Here in Kenya, Sir, we follow very largely the United Kingdom pattern of local government; though indeed, that may not always be so in the future. There the accepted policy is twofold: first, that there is a proper range of functions of government which are properly performed by local government authorities, and secondly that those authorities are recognized as responsible bodies competent to discharge their own functions. That, Sir, I think is extremely important.

It follows from this, Sir—and I quote from the Report of the Study Group of the Royal Institute of Public Administration in the United Kingdom—that "increased responsibilities, and administrative freedom in the exercise of them, must be accompanied by the ability of local authorities to finance their services largely out of resources at their own disposal, and that undue dependence upon the Central Government must be avoided if the general objectives of policy set out above are to be secured". That, Sir, will be the main point in the case which I propose to make.

Here in Kenya, Sir, we have a very clear case for increased responsibilities for local government. We have seen a very large field of social functions in which a great deal remains to be done, and that field is a proper one for local government. The question is, where are they to find the money? The tendency on the part of local authorities is to say, "Well, we must have grants from the Government". I suggest, Sir, that that attitude is wrong. In the United

[Commander Goord]
Kingdom, trends in recent years have been very much in this direction of increased Government grants, until the time has been reached when there is great anxiety in regard to the independence and efficiency of local government in that country. The independence part of it is readily understood perhaps, but with regard to the efficiency I think I might explain the impact of Government grants something in this way: that whether it wishes to or not a local government authority is rather apt to regard a grant as something won in the Irish Sweepstake rather than something won by the sweat of the brow. Now, all responsible members of local authorities do of course fight against that feeling, but nevertheless there is the tendency to watch expenditure of rate revenues and other revenues rather more closely than that of Government grants. It must not be overlooked.

In the United Kingdom the ratio of local taxation to total taxation has fallen to the very low level of 9 per cent, which compares with 25 per cent to 35 per cent in Switzerland and in certain Scandinavian countries where local government has reached a very high degree of efficiency. Whether it is coincidence or not I do not know, but it appears from answers to questions which were given the other day in the House that our ratio of local taxation to total taxation is also in the vicinity of 9 per cent. When it is recalled that our Government is concerned mainly with domestic administration and has little responsibility for defence and external commitments, it must be recognized that this percentage is a very low one.

Perhaps a more important figure is the ratio between local taxation and rural local revenues. In the United Kingdom this has fallen to the low figure of 39 per cent compared with 60 to 70 per cent in the countries which I have mentioned. Our Kenya figures naturally vary very much owing to the great variety of local authority which we have, but some of our authorities go very much lower than the United Kingdom. I think, Sir, it is clear from what I have said that we have a very long way to go

before we have a truly representative local government system in Kenya.

The conclusion is, Sir, that Government grants should certainly not be more than 50 per cent of the local revenues if that local body is to be truly independent, and I would suggest going even further; that Government grants are only healthy in the long run if they bear some true relation to the proportion of national interest for which they are paid.

The alternative to Government grants is, as the hon. Mover has pointed out, wider sources of revenue for local authorities. Rating has certain advantages. It is a long established system; it is a system which is easy to administer—the rates are easy to collect; and above all it is a stable income. But as the hon. Mover says, rates can be extremely inequitable; and further, there is a ceiling above which rates cannot go. Here in Kenya to some extent, particularly in the towns, rate revenues have gone up very rapidly with the increase in the value of properties, but this is not happening in the rural areas, where the valuation for rating must be regarded very largely as static. While rates, Sir, must be regarded as an essential part of any local government taxation structure, it does seem there is a case for alternatives partly in replacement of rates, and partly to augment them. Naturally any new tax resulting from this wider field would be unpopular: if it were, as it would be, adding to the general burden of taxation; but I think we have to recognize that while on the one hand it is true that where Government transfers responsibility it should transfer the current finances supporting that responsibility, on the other hand there is a demand for increasing services for which the money must come from somewhere, and I suggest, Sir, that if it has to be found it is better that local government should find it. Unless rates are to be driven up it can only come, if we exclude grants, from some alternative source of revenue. One of the best sources of alternative revenue are of course fees for services; but there are many services, particularly in the social field which I have mentioned, for which the charging of fees is not practicable.

[Commander Goord]

I hope, Sir, I have said enough to justify the case. Local government itself finds it very difficult actually to formulate a policy on a higher level. The members have neither the time, nor as a rule do they have the necessary data at their disposal. Similarly I often wonder when Ministers find time to do their thinking. So I feel that it would be of the greatest benefit if some body were set up to examine the scope of responsibility of local authorities, and the possibility of alternative forms of revenue versus the grant system; and I hope that if such a body is set up it will look further afield than the English-speaking nations and examine very closely the position in some of these European countries where local government has advanced so far. Sir, I support the intention of this Motion, with reservations as to the method.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, I thank the hon. Mover for the interesting and constructive speech that he made to this Motion. I am afraid that he read out the terms of reference, that he suggested this committee might have, rather quickly, and not being trained in shorthand I do not think I got them all down, but I have no doubt he will give them to me afterwards. I think I did get the gist of most of them.

I am sorry in a way that the hon. Mover has stated that there is anxiety about the future of local government, because I think it has been made quite clear on numbers of occasions and only just lately in this House that the development of local government is one of the highest priorities that the Government give in their overall policy. I am sure the hon. Member agrees, as other hon. Members do, with what the hon. Nominated Member, Commander Goord, has just said; that is the difficulty of local government being—or rather the danger of local government being subsidized too heavily by Central Government, both on the basis of losing their independence and, secondly, on the basis of efficiency. That is something that one has got to consider every time when one tries to work out the practical possibilities of transferring more authority and responsibility to local government.

The point is, and again I would just merely like to emphasize—I do not want to repeat what the hon. Commander Goord has been saying—I would like to emphasize another very important point he made, which is that if the service is transferred from Central Government to local government it is justifiable that the money it costs the Central Government is given to the local authority as a grant, but there cannot be any further and great expansion at the cost of the Central Government with the present difficulty and indeed the freezing, one might say, of Central Government revenues. It therefore means that the local authority concerned has to make its mind up whether to continue the service on the level at which the Government was providing it without taxing their ratepayers any more heavily, or whether to expand it, give a better service at the cost of their ratepayers, and after all I would say that that is a right and proper responsibility and decision for a local authority to make. It does not necessarily follow that in every case the service should not be expanded at the expense of the ratepayers. There are certain areas where the ratepayers would be prepared to pay and able to pay for the better service, so let it happen. It is on those sort of lines that the Government has been considering the devolution of responsibility.

I made a point, Sir, in the debate on the Speech from the Throne on these particular principles. I made a point of emphasizing what I have just been saying, and other matters to do with the development of local government. I said then that the simplest form of responsibility, or the simplest activity that might be transferred from Central to local government at this stage, where money at both levels is short, is the type of project which pays for itself, and I specifically mentioned water undertakings. That is, I believe, something that local authorities could take over quite quickly and to no great cost to themselves, providing a greater spread of activity, thereby helping to meet their overhead costs and at the same time training themselves and building up their knowledge of administration and indeed of local government.

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one—has rather died a natural death.
It is my view, Sir, that as we develop
local government in this Colony more
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to all types of local authorities. I feel
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I have described, and indeed I have put
in the train the setting up of an
advisory committee representing those
three committees which I have men-
tioned to advise me, on all questions of
policy, of local government policy, and
I am going to ask those three particular
statutory committees to appoint three or
four members each to a central one to
whom I would like to refer questions of
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brought forward today, and other ques-
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Do not let me give any indication, or
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I come back, Sir, to a point that I have
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that they represent, that participation in
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I would therefore ask them especially to
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Now, Sir, I do not think it is neces-
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of the terms of reference, or suggested
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is asking. All I would like to say to him
is that all these matters, of course, are
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and indeed by men who are trained
specifically, local government people
who have been in local government for
many years both here and abroad, and
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review and indeed some of them have
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however, that a co-ordination, one
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tant aspects of development of local
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able and I would welcome it. I would

There are one or two small points I
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[The Minister for Local Government,
Health and Town Planning]
time for some local authorities to con-
sider moving, not completely, but to
some extent, towards rating on improve-
ments. The Rating Bill, the Rating
Ordinance was amended about 18
months ago to allow for that. There is
a ceiling which restricts the amount of
total rate revenue which can be raised
on improvements and I think that is a
wise ceiling to have, but that is one of
the questions, I think, that some local
authorities should certainly give their
minds to. After all, with the very
valuable improvements growing up in
certain areas of our Colony, in our
towns, it might be fairer and might pro-
vide a fairer spread of rates if improve-
ments to some extent were rated now
rather than left completely as they have
been up to now. One of course fully
realizes the dangers of rating improve-
ments in that it might not help to
encourage the building of improvements,
but on the other hand there are other
considerations to take into account.

Well Sir, that is the sort of thing that
I would like this particular committee to
discuss and advise me upon. They will
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which is in my Ministry, and, as I said,
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I would like also, Sir, to bring an-
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As he gave the different terms of
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able impact on all activities of Govern-
ment, and therefore if one really was
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for a working party it would have to
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ing to the Government as a whole. I
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get the advice from those interested
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to put that advice together with my own
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Now Sir, sources of capital. I feel I
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trying to get, I think has been generous.
Naturally we all felt we would like more
money, but again to show the level of
capacity of the local authorities in
general in this Colony, which has been
very disappointing to me, I can assure
you, in 1957-1958 there was ostensibly
£405,000 available for loaning to local
authorities of all types. Only £135,000
was actually borrowed, so there was a
very considerable shortfall on what
money was available. Local authorities
were just not able to put their schemes
into practice in order to draw the money.
In fact they were too optimistic as to
what their capacity was to spend that
money, to plan for spending and do the
actual spending. As I say, it was a dis-
appointment to me and I hope and I
think that next year will show a very
different picture indeed, because during
this time we have been suggesting and
advising how they can get with their
development, and they have accepted
our advice, therefore naturally they will
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I do not think it is necessary to go
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[The Minister for Local Government, Health and Town Planning] transferring responsibility without thinking of the capacity of the people who are in those local authorities to undertake those responsibilities. It is no good just thinking of transferring responsibility without thinking of the capacity of the people who are in those local authorities to undertake those responsibilities. It is certainly not the case that in every part of this Colony there are people active in local government who can in fact undertake further responsibilities at this stage.

Do not let me give any indication, or do not let there be any suspicion that I am merely referring to African areas in this context, I am not. There are many areas elsewhere than African areas and local authorities to whom I would not be particularly happy to transfer responsibility at this moment.

I come back, Sir, to a point that I have made on other occasions. I would ask hon. Members opposite, especially, representing all communities, to try to persuade their constituents, the people that they represent, that participation in local government is one of the best, most important activities that any citizen in this Colony could undertake. I would therefore ask them especially to keep on emphasizing that, so that we get the very best quality of men and women in local government at different stages and at different centres and areas of the country.

Now, Sir, I do not think it is necessary for me to go through all the details of the terms of reference, or suggested terms of reference, that the hon. Mover gave for the working party for which he is asking. All I would like to say to him is that all these matters, of course, are under continual review in my Ministry and indeed by men who are trained specifically, local government people who have been in local government for many years both here and abroad, and the whole time they are under continual review and indeed some of them have been met already. I do understand, however, that a co-ordination, one might say, of thought, of these important aspects of development of local government might well be very advisable and I would welcome it. I would

welcome being advised on these aspects by a responsible body. Up to now, and in fact, indeed today, there are three committees who have statutory powers with regard to local government; there is the Standing Committee for African District Councils, the Standing Committee for Municipalities and the Standing Committee for District Councils. When the County Council Ordinance was brought in no Standing Committee was written into that Ordinance, therefore that particular—the District Council one—has rather died a natural death. It is my view, Sir, that as we develop local government in this Colony more and more questions, local government questions, become of common interest to all types of local authorities. I feel therefore that the time has come when I should have, the Ministry should have a central committee, a co-ordinating committee to deal with local authorities of all types, not just split them apart as I have described, and indeed I have put in the train the setting up of an advisory committee representing those three committees which I have mentioned to advise me, on all questions of policy, of local government policy, and I am going to ask those three particular statutory committees to appoint three or four members each to a central one to whom I would like to refer questions of the sort that the hon. Mover has brought forward today, and other questions as well. I do not want to have a working party considering only this one aspect sitting and then reporting and dying. I want to have continuing advice because, as I said before, local government is continuing, it is developing, it is dynamic, always changing and progressing, and therefore I would like the progressive and continual advisory committee. For that reason, Sir, I do not wish to accept the Motion as it is worded, but I will suggest an amendment in a minute.

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[The Minister for Local Government, Health and Town Planning] indeed to all activities of Central Government. Now Sir, sources of capital. I feel I must just make mention of one thing on that. The Government in their planning and allocation of moneys to the Local Government Loans Authority, which is the name the hon. Mover was trying to get, I think has been generous. Naturally we all felt we would like more money, but again to show the level of capacity of the local authorities in general in this Colony, which has been very disappointing to me, I can assure you, in 1957-1958 there was ostensibly £405,000 available for loaning to local authorities of all types. Only £135,000 was actually borrowed, so there was a very considerable shortfall on what money was available. Local authorities were just not able to put their schemes into practice in order to draw the money. In fact they were too optimistic as to what their capacity was to spend that money, to plan for spending and do the actual spending. As I say, it was a disappointment to me and I hope and I think that next year will show a very different picture indeed, because during this time we have been suggesting and advising how they can get with their development, and they have accepted our advice, therefore naturally they will be much more efficient than in the past.

Well Sir, that is the sort of thing that I would like this particular committee to discuss and advise me upon. They will also have at their disposal the data which hon. Members have referred to, which is in my Ministry, and, as I said, the specialized and trained advice of my officers.

I would like also, Sir, to bring another point to the notice of hon. Members and that of the hon. Mover. As he gave the different terms of reference of the commissions in New Zealand and South Africa he must have realized that they had a very considerable impact on all activities of Government, and therefore if one really was going to accept those terms of reference for a working party it would have to be a very high level commission reporting to the Government as a whole. I do not think we have yet reached that stage. I would much rather therefore get the advice from those interested especially in local government on these matters, then of course I would have to put that advice together with my own to Government as a whole to see how it could be put into practice. That is one thing that hon. Members are inclined to forget—matters to do with local government are very closely tied

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The hon. Member is repeating words he has said very often about the local market, and he knows too well that the City Council has been allowed on the local market too.

Now, Sir, I think I have dealt with the main points. The others are—really I think the hon. Mover was bringing them to the notice of the working party here which he hopes will be set up. I hope he will accept my suggestion,

[The Minister for Local Government. Health and Town Planning] therefore, that the words with reference to the working party in the Motion are withdrawn, or rather deleted, so that these matters can be referred to the committee which I said I am going to set up, and any other matters to do with local government which hon. Members would like to bring forward, I would also say that committee will, on my advice, certainly take evidence from those with experience in local government outside this Council, if any would wish to give such evidence and, of course, within this Council too, if they wish to give such evidence.

Before I move this amendment, Sir, I would like to make it clear once again, this is no new subject. This is nothing that has just been brought forward. Local government in Kenya has been developed for numbers of years in all areas, and it goes on being developed and is developing according to the capacity of the people concerned, the calibre of the people who are prepared to serve, and not only in the matter of finance. Finance, of course, is important, but it is really mostly, I think, the calibre and the enthusiasm which can be built up for local government. It seems to be rather a fashion, Sir, to talk about local government as if it were something wonderful, something new in this Colony. It is not so, and as I said before, it is rather a dull subject, but it continues progressively to develop according to the enthusiasm of the people concerned.

Therefore, Sir, I beg to move the following amendment: that the words "to set up a Working Party to receive representations, enquire into, and report regarding" be left out of the Motion, and that the words, "to receive representations and enquire into" be inserted.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The following amendment has been proposed and seconded to the Motion as it stands on the Order Paper. The amendment is as follows: that the last five words of the first line, the whole of the second line and the first word of the third line—that is the words "to set up a Working Party to receive representations, enquire into, and report regarding" be left out of the

question and the words "to receive representations and enquire into" be then inserted, which means that the Motion as amended would read as follows: "That this Council requests Government to receive representations and enquire into the sources of finance at present available to local authorities, and their adequacy for the proper discharge of the statutory functions of those authorities, and the provision by them of such services and amenities as are deemed necessary".

I propose to invoke Standing Order 62 as, in my opinion, the matter of the amendment is not conveniently severable from the matter of the Motion, therefore, if a Member speaks to the amendment it means he will also be speaking to the original Motion.

MR. SLADE: I think this is a very important matter. I fully support the intention of the Motion and am pleased to see that the Minister responds to it so well. It seems to me, Sir, that the amendment he proposes, in view of the committee which he proposes to set up, is quite agreeable. I do join with the Minister, Sir, in his plea for men of quality to continue in local government service—in local government as councillors, and for others to come forward. It is an extremely important work. These men and women, Sir, have neither the pay nor the publicity that hon. Members in this Council receive, and in the latter possibly they are fortunate. But however that may be, they are no less important on that account, and never having served in local government myself, I am in a position to pay a very great tribute to them.

Sir, this ties up directly, I think, with another important matter on which the hon. Mover and the hon. Nominated Member both spoke, and that is the question of the independence of finance. Sir, the quality of men which we will get to serve in local government or in Legislative Council or anywhere else, I suggest, is directly related to the responsibility and independence that they will find when they get there. You cannot expect men of top quality to serve when they think they are not going to be able to achieve anything, either through lack of funds or through lack of independence or through lack of something else. I do believe, Sir, that, given

[Mr. Slade] more rapid development of the independence of local authorities, we shall see greater encouragement than in any other way of people of top quality to continue in local government or to come forward. Sir, surely at present, as the hon. Nominated Member pointed out, and the hon. Mover, local government is far too dependent on direct grants from Government, and it is a most unhealthy situation. It does mean that the local authority is not much more than an agent of the Government, because the man who plays the piper calls the tune. It is inevitable that, when you are getting a block grant from any other source, the person who supplies that grant, or the authority, is able and inclined to direct how you spend it. Gone is your independence. Local government, Sir, I suggest is only truly local government if there is independent finance; otherwise it is merely a local agency of Central Government. It is through local government that we have got to develop rather more quickly. If we are going to have independent finance, and not block grants from Government, there arises the problem as to how you are going to provide that independent finance, as services are progressively handed over by Government to the local authority. It is not enough that with that service the Government hands over a sum from central revenue equivalent to the current cost of that service; because there you are still in this position of dependence on a grant from Government. There has got to be the substitution of some other source of revenue. It seems to me, Sir, just for the consideration of the committee to which the Minister has referred, that there are only two ways of tackling this. One is to hypothecate revenue direct to the local authority, side-track it from the Government.

For example, one source of such revenue which we might side-track quite easily has already been given by the hon. Mover when he referred to land rents. It would be quite easy, I suggest, and very logical to divert to local authorities the rents paid on lands within the jurisdiction of those authorities, provided, of course, that the local authority simultaneously took over the correspond-

ing expense of providing some service. There must be other means of hypothecating existing revenues; indeed the hon. Mover referred to some of them. The other course, Sir, is to invite local authorities to draw more by way of rates from the people of their jurisdiction, on the understanding that the Government will draw less from them by way of central taxation. I think, Mr. Speaker, that both those courses ought to be adopted, and it is very important that they are developed more rapidly than ever before; because, although the Minister is perfectly right in saying that local government is developing steadily, I do not think it is developing as fast as we should like it to develop. I believe the prime reason above all reasons is this lack of independent finance.

I beg to support, Sir, the Motion as amended.

MAJOR ROBERTS: Mr. Speaker, Sir, I am very disappointed that the Government could not accept the Motion as it stood. The Minister did make it perfectly clear that Government gave the question of finance for local government the highest priority, and I think that if that is so it should mean that this Motion should be accepted. It was a very definite Motion asking for a working party for a specific purpose, whereas what the Minister has offered in his amendment is something rather vague and, if I may say so, rather indefinite.

We hear, Sir, that Government should not provide more than 50 per cent of the money required by local government. That means, Sir, that the only way local government can really get an increase in revenue is from local rating. Well, I have said it before in this House, Sir, and I will say it again now; it is quite impossible for the taxpayers of this country to bear any more taxes than they are doing today. We have somehow got to sort out the question of revenue within the amount which is available today; we cannot possibly expect the taxpayer to pay any more.

That means, Sir, that either Central taxation has got to be reduced, thereby allowing local government to increase a rate leaving money in people's pockets for that to be done, or, Sir, it means that we have got to have some system

[Major Roberts] of block grants from Central Government on a formula to local government. I feel there is a great deal to be said for that, Sir, because it does mean that local government will then know exactly what it is entitled to and it will not mean that Central Government will be able to have the power to say how much it will give.

In that respect, Sir, I do ask that this committee consider the system which is operating today in Malaya, where that system of block grants on an agreed formula, I understand, is in force.

Sir, I support the original Motion, but I would, at this stage, like to reserve my decision on the amended Motion.

MAJOR DAY: Mr. Speaker, Sir, I should like to speak in support of the hon. Member for Rift Valley. I am also disappointed that the Minister has seen fit to suggest an amendment to this Motion. I do not wish to talk for any length of time, but the point I would like to make and stress is this: the feeling in local government today is that they have to go cap in hand to Central Government for money. This in itself is frustrating, and I would only urge that it is imperative if local government is to develop and progress—as the Minister says he devoutly wishes it to do—that something more comprehensive than he suggests should be set up. In other words, the matter should be treated as one of urgency, and a committee should examine precisely how best money can be allotted to local government to enable it to take over the additional responsibilities.

It is useless, Sir, to suggest that local government should develop and that it should take over responsibilities, when it has not got the necessary money to do so.

That is all I have to say, Sir; I support what has been said by the Mover and by the last speaker.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. HARRIS): Mr. Speaker, Sir, as has been said before in this House, I did not intend to intervene in this debate, but there does seem to be a misunderstanding on the part of possibly the last two hon. Members who have spoken from the other side of the House.

First of all, the proposal of the Minister in his amendment is that the committee will be advisory to him. He will ask the committee's advice and it is part of his policy so to do. He is already in process of setting up this committee and it would be his intention to refer matters of the widest field in local government to that committee for their advice. As Minister, he would, when the advice was good advice, accept it.

Now, Sir, the hon. Member for the Rift Valley suggested that the only answer was a greater block grant. He did, Sir, misquote the Minister by saying that it was the Minister who had said that the grant should not be more than 50 per cent. I think, Sir, it was another hon. Member who made the point that they did not want a block grant of more than 50 per cent because that would be sacrificing the independence of the local authority.

Sir, the Member for Aberdare, having listened to his hon. colleague on the subject of a bigger block grant, then suggested that it was unsatisfactory for local authorities to go cap in hand to the Central Government. Sir, I have had some experience of this block grant, as has the hon. Member for Nairobi West, and I can assure hon. Members who have not had to negotiate with Government over block grants that it is a most unsatisfactory procedure, when the bulk of your revenue comes from another authority. And, Sir, I have seen the development of one of the most progressive local authorities in this country—the Nairobi County Council. If people who perhaps have not got quite so much experience of local government would study the rating policy of that progressive authority, they would realize that independence has to be bought in local government. It is when the inhabitants of a district take on, not only the administrative responsibility but, the financial responsibility for their own area that that area really goes ahead.

Sir, there is one other point that I would like to deal with and that is that the suggestion has been made that local authorities, local government, cannot progress unless more money is made available by the Central Government. The exposition of the Minister for Local

[The European Minister without Portfolio]

Government, Sir, was this: that he would be perfectly happy to consider handing over further responsibility to local authorities on the basis that a local authority would receive a grant equivalent to the cost to the Central Government of that service at the time it was handed over, because the service is being supplied at the standard which Central Government expenditure can afford. But if the inhabitants of a particular area wish to improve on that service in their own interests, then it is up to the inhabitants of that particular area to rate themselves accordingly. That is the whole basis of local government. I can assure hon. Members who consider, Sir, that local government cannot develop without increased financial assistance, that they are asking for the very opposite of development, they are asking for the annulment of independence and progressiveness on the part of local authorities. I am quite sure that anyone who has served on local authorities in this country will appreciate that very point.

I beg to support the amendment.

MR. TYSON: Mr. Speaker, Sir, the Minister and several hon. Members have referred to the question of rating, and the revenue which the local authorities derive from that source. I am, and have for some time, been rather concerned, particularly so far as the urban areas are concerned, at the present method of rating. Members will be aware that in the urban areas the rates are levied on a percentage of the unimproved site value. The object of any rating system is to distribute the burden equally, as far as possible, according to the benefits which the individual owners derive. And it does seem to me to be unsatisfactory, to take an example, in Delamere Avenue where you have one plot with a substantial eight-storey building on it and an adjoining plot with a very poor shack on it paying the same rates because the unimproved site values of the plots are identical.

I do suggest that the time has come when we should get away from levying rates on the unimproved site value and turn over to the system which operates in Great Britain, where the rates are levied on the annual rental value of the

properties concerned. I believe, so far as the urban areas are concerned, it would bring in a considerable increase in rates over the present system, and I think it would be much fairer to the individual ratepayers.

If the committee which the Minister has proposed, or the working party, go into this matter, I do hope that that is one of the aspects to which they will give very serious consideration, the amendment of the present rating system.

I support the amendment by the Minister.

MR. ALEXANDER: Mr. Speaker, Sir, I do join my colleagues on my right, the Members for Aberdare and the Rift Valley, in expressing disappointment that the Minister has been unable to accept a working party to look at this problem. However, I would go further than perhaps they do and say that I have sufficient confidence in the Minister to believe that he will make this committee do what it is meant to do, do it energetically and do it promptly. I can assure him that if he does not, there certainly will be pressures from all round on this side of the House to see that this committee gets on with its job.

It would be helpful if the Minister could have told us who he proposes should serve on this committee. I imagine from what he said that it is purely departmental officers—I see he is shaking his head, well, I hope that that is true; I hope that he is going to seek assistance from further afield than merely the Ministry of Local Government. I would suggest to the Minister that he certainly co-opt on to the committee certain of the officers at present in local government. We do know that here in Nairobi—and I am sure it is true elsewhere—there are some very able officers in both the City Council of Nairobi and the County Council of Nairobi who, I am sure, would be very ready to help and to serve on this committee. I do hope that the Minister will co-opt them.

There has been—I wish to dispose of it—this reference to block grants. I think it was one of my friends on my right here who tossed it into the arena, rather with the inference that therein lies all the magic of local government. Let me assure the House—as the European

[Mr. Alexander] Minister without Portfolio did—that there is nothing new about block grants. In fact the history of local government in Britain is that of a series of block grants which have been unblocked and then re-blocked; in fact, the story is one of complete blockage in most cases. It is a long, long history and I do hope that we will not ourselves just be tossed into it with the idea therein lies the answer to all the prayers about local government.

I do, Sir, also wish to carry on the thought started by the Minister himself regarding the whole theme, the idea, of local government in any advanced society. Unfortunately, this word is being expressed today in Kenya in a way that is suggestive of the fact that it is the answer to all our problems, or most of them, that in local government there is the magic that is going to produce overnight all the solutions that we want. Of course, there is nothing new about local government at all. It started with the earliest pages of the Bible, and it has been going on ever since. What is not generally known or recognized in this country is that in the Ordinances dealing with local government—that is, the Municipalities Ordinance, the County Council Ordinance and the District Council Ordinance (I think that is what they are termed)—there is adequate provision for the progress of local government in Kenya for as far ahead as any of us care to look. The County Council Ordinance particularly is of fairly recent production; it is a long Ordinance and in fact in that Ordinance, if local government wishes to take unto itself the powers, there is very little that local government is prohibited from doing. They can accept most of the responsibilities if they want. The machinery is there. So I do hope we do not kid ourselves that there is some new thinking on this particular subject.

But what is important—and the Minister did say this, did suggest this, and I wish to emphasize it—what is more important than having Ordinances or having ideas about local government is having the capacity within the people themselves to handle it. That is the first requisite, and I am glad the Minister drew attention to this, because certainly in many areas of this country there is

not the necessary experience and knowledge for the handling of the responsibility. In fact, today it is commonly known that in the Nyanza Province the word local in local government is being substituted for "self". That is what they believe; they believe that this is the quickest way to self-government. We do know that the Minister recently had to institute an enquiry into, I think it was, Central Nyanza. What we have got to ensure, in this process of devolution, is that at no stage must we lose ultimate control. This is one of the most difficult problems—with the financial problems—to decide upon. How do you devolve and still retain the ultimate direction? In any of our considerations on local government—and I hope this committee will look at this very carefully—this question of ultimate direction must be paramount.

We have had enough, Sir, in the past of opportunities for the K.I.S.A. schools. This was the last example that did considerable damage to this dear land of ours, an example of a devolution of power without direction, without supervision and without control. I go so far as to say that in relation to the district education boards coming under the African district councils, that very situation exists in some respects today. I see the Minister shaking his head, but I can assure him that if he will only look at this problem he will find a situation in some cases mighty near to the K.I.S.A. schools which existed before the Emergency. That is the result of the lack of direction and lack of supervision by Central Government.

If the Minister wonders, I would invite him to go into Ukambani and have a look round there.

The headings I would commend to this committee, now that the Minister has rejected a working party, are arranged as follows. This is for the consideration of the committee. Firstly, I would classify freedom of action, secondly, the division of responsibilities, thirdly, sources of revenue, fourthly, borrowing powers, fifthly, grants, sixth, the question of land owned by Central Government, and, lastly, charges for services.

It is under this first heading—regarding freedom of action—that perhaps most of the vexed questions concerning

[Mr. Alexander] local government arise. Reference has been made already—the hon. Specially Elected Member, Mr. Slade, referred to this. If there is not reasonable and rational and sufficient freedom of action for local government within, of course, as I have just mentioned, the overall direction of our Central Government, you get the frustrations that give rise to bad local government.

Here may I turn again to finance, because for too long in this Colony—and particularly through local government—finance has controlled policy. This has been one of the most serious weaknesses in relation to local government in this Colony. From Central Government one has seen it for years, seeping through everything, this control of the purse strings at the top inevitably in all cases controlling what is going on in local government, and that is not helpful. It has led to a loss, in certain cases, of sources of revenue to local government for purely political purposes. Examples of that are, of course, as the Minister will know, the urban cess—a more recent one is the increase of road licences that have gone direct to the Road Authority; I believe that, in fact, that should not be so, that in law they should be going to the local authority. Thirdly, there has been the complete switch away from African beer which has given local authorities much of their revenue for social purposes. The Minister is smiling, but he will remember when he was a director of one of these breweries of ours who brought pressure on the Government for greater freedom of action in the sale of European beer in the urban areas.

A fourth example of this is the restriction or the lack of encouragement given to local authorities for the use of land granted by Government for profitable purposes. Government frowns upon the use of land free to local government for profitable purposes, for example, markets and the like.

I do know that some of this loss of revenue has been replaced by Government in the form of grants, but invariably they are uncertain grants; they are not specific and it has left local government, in some cases, not always knowing exactly what to expect from Government financially.

Under this heading of freedom of action, I would also like consideration of the fact that in a new country it is generally wise that local government should develop in a way that each individual authority considers most suitable to its local conditions. There must be no attempt to regiment local authorities here in the same way as in the United Kingdom. The problems here are entirely different. In the United Kingdom, there is a high concentration of urban development and urban populations whereas in this country the difference, of course, is mainly one of town and country.

The next main heading is the division of responsibility, and here this is important because what is being discovered now is that as Government moves into situations of financial embarrassment there is a very great temptation to wish upon local authorities additional tasks which are not strictly theirs or which, in many cases, they are not ready to accept. Examples of this concern what I might term the overall care of children. In the case of school education, in the case of approved schools, Government accepts that as a Central Government responsibility. But in the case of unwanted and neglected children, the tendency of Government is to move away from their policy in regard to the care of children in other respects and to look upon that as a local government responsibility. The same goes for health. In some areas, there is a high degree of responsibility on the part of local government for health services. In others, there is either little or none. But Government, nevertheless, continues, out of the taxpayers' money, in those areas to provide services which in other areas are provided by the local authority. The Minister need not shake his head because that is, in fact, happening. I will tell him that in the case of Nairobi City Council, his predecessor once asked that Nairobi should not maintain such a high standard of health services because it embarrassed the Government outside the city.

Another problem in this respect, of course, concerns roads where there is no defined or agreed policy as to the share of responsibility.

[Mr. Alexander]

My next main heading is sources of revenue. Here I would ask for consideration of the whole question of profits from public utility services and also this whole question of subsidization, particularly subsidization of working-class housing.

The next main heading concerns borrowing powers, and here, although I do express appreciation of the freedom that the Minister has been able to negotiate in recent times, nevertheless Government still controls the borrowing on the local capital market. It is still disinclined to allow local loyalties in the smaller urban areas to play their part, for money to be directed to rural and urban district councils which would not find its way into local government in the normal course of events. It merely is attracted there because of the local loyalty and patriotism of the folk in the district.

The next heading concerns grants, and here I would ask for a review of this whole basis of reducing grants, particularly in respect of the period in which local government are expected to absorb the full responsibility. In this connexion, of course, the question is raised of the rates paid by local government for Government land, and I would like the committee to direct their attention to one particular problem in that respect because this, of course, is, one might call it a direct grant to local government by Central Government; but the problem I particularly want them to focus attention upon is this question of rates paid by Central Government for the accommodation for the housing of public servants, because public servants, not themselves being directly responsible for local rates, it is, I believe, depriving local authorities of an interest that might otherwise be shown by public servants. The man who has to put his hand directly into his pocket to pay his rates is far more inclined to be interested in the affairs of his local authority than he is if a benign Government is in fact handing it over.

Next comes the whole question of land owned by Government, and here I would ask for a review as to the question of vesting this in the particular local authorities.

Lastly, my last heading concerns the question of charges on services, and at the moment, these are all subject to Government approval. I am referring to the self-financing services operated by local government; for example, water supply, sewerage and the like. I do believe that greater freedom should be given to local government to decide what their own local market will bear in respect of these particular activities.

I do wish, Mr. Speaker, before I finish, to congratulate the Ministry on certain developments that they have initiated, the improvement in the policy and the amounts available to the Local Government Loans Board; I do congratulate the Minister on the way that particular authority has been improved; also, the willing acceptance by Government of the policy of paying their share of private streets that serve areas of land owned by Government; and, of course, very commendable from Government is the land that is alienated free to local authorities for specific purposes. In Nairobi the perfect examples, of course, are the lands that have been alienated for housing; the housing of the mass of the African population and also the Asian population and on the Ngong Road the European population. All these are commendable features of current local government policy and our Government are to be congratulated.

Just one piece of information that has come to my notice is that although the Minister, with a great flourish, introduced a White Paper some months ago concerning the new financial relationships with African district councils, I am told—and I would like it confirmed—the policy of it is not in fact working *in toto*. I have had one piece of disturbing information: that in respect of court fines, which now come to Central Government (and local government in turn were to provide the money for court buildings and the like), that the responsibility of Central Government in this respect is not being fulfilled. I would just dwell on this White Paper for a few moments because people who talk about local government when asked if they have read this White Paper very seldom even know what one is talking about. I would suggest that perhaps the Minister might give more notice, give more publicity to the fact that many

[Mr. Alexander]

the months ago in this House we did have a thorough debate on this very important problem of African district councils, but the news of it does not seem to have filtered out of this House very successfully.

Mr. Speaker, I am disappointed that we are not to have a working party; however, I am grateful to the Minister for having gone as far as he has done, and I am sure that the Mover of this Motion—and I do congratulate him on the way that he put forward his case—I am sure he will go so far with the Minister today as to accept his amendment. I hope on the clear understanding that we do expect good results quickly.

I beg to support.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Speaker, Sir, I only want to make two points. The first is really an appeal to my hon. friends on the other side of the House. It must be apparent to them, I think, that when motions are proposed from the other side of the House which call for ministerial reply, it is most unsatisfactory for their own purposes as well as for the purposes of the House if Members on the other side hold back until the Minister has been compelled to speak for want of any other speaker offering. Now, that is precisely what has happened in this debate. Since the Motion was moved by the hon. Mover and seconded by the mute Seconder, not a single solitary Member of the other side of the House offered to speak at all until the Minister had spoken. Now, that is, I suggest, from both the other side of the House's and from the Government's point of view, most unsatisfactory. All I propose to say on behalf of my colleague in regard to the points that have been made since he spoke is that he does not accept all of them; he does not agree with all of them; he considers that there are good and valid answers to many of them. He has, however, noted a number of useful points which he will most certainly take into consideration in his references to the committee which he has mentioned he is in the process of establishing.

The second point I wish to make, Sir, is to clear up a possible misunderstanding. My hon. friend and colleague, the

Minister, has in mind in relation to the composition of the committee which he is establishing that its membership will be wholly unofficial. As he has indicated, he is asking the existing standing committee to nominate representatives to that committee. Now, that being the case, all the resources of his Ministry and of the Department under his charge will be made available to that committee for its assistance and advice, and he would very much hope that all other sources of knowledge and experience of the theory and practice of local government will similarly be made available to it, whatever those sources may be.

Sir, I beg to support the Motion.

MR. BUTLER: Mr. Speaker, Sir, I rise merely to deal with one point raised by the hon. Nominated Member, Mr. Tyson, who did not, I think, appreciate the point made by the Minister which was that local authorities are already permitted under the Local Valuation and Rating Ordinance to levy rates on improvements. There is a limit placed on the amount of rates they can levy on improvements provided in section 28 of the Ordinance, and this limits it, without the consent of the Governor in Council of Ministers, to one-quarter of the estimated aggregate product of the rates levied in such financial year by the local authority. The reason for this limitation is obvious, because one of the advantages of the present system of unimproved site value rating is that it does encourage development, and it certainly has encouraged development in the Nairobi City Council area and I think we would not have such rapid development in Nairobi if that system had not been in force.

Just one minor point I would like to make which is that a number of hon. Members have suggested that if we could reduce Central Government taxation, we could then increase rate revenues. They may not perhaps appreciate that the Government is itself by far the largest ratepayer and that therefore, if the rates were increased, the Government would have to increase taxation in order to pay its share of some 50 per cent of the rates which are paid to local authorities.

I beg to support the amended Motion.

MR. GUNSON: Mr. Speaker, Sir, I would just like to say a very few words in connexion with the handing over of a particular service now and Government grant being what the current cost is. I suggest this is a developing country, Sir, and whatever service is taken over by local government should cost more to maintain in the future. You get more people into the town or the country who are contributing to the revenue of the Central Government. Therefore, it would appear to me to be unfair to say: "right, you've taken over that service. In order to maintain it, you have got to rate yourselves. If you want to improve it, you have got to rate yourselves."

I suggest that it should not be a diminishing grant but it should be a revisable grant from the Central Government. It is all right to say we will be independent regarding local government, but if we are paying high taxation, I repeat, Sir, high taxation, to the Central Government, we cannot be expected to pay higher rates in order to maintain the service or increase the services which we require.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other hon. Member wishes to speak, I will ask the Mover to reply, and after he has replied, I will put the amendment first in the normal way.

SIR CHARLES MARKHAM: Mr. Speaker, I do not think there is an awful lot—in fact, there is very little—to reply to which will be a relief to all hon. Members opposite who want their tea!

About a quarter to four, Sir, I felt as though it was going to fizzle out quite early, then suddenly, Sir, in came the later batsmen who waved their bats quite merrily and hit a few sixes, some of which, of course, went rather out of bounds altogether as far as this Motion was concerned.

The difficulty, Sir, in answering the points made is that a lot have been raised which are far wider than the scope of this Motion. Therefore, Sir, I propose to leave them alone and when the Minister gets his HANSARD, he can refer them, if he wants to, to the committee he is setting up.

Sir, the Minister criticized me for using the word "anxiety" regarding local

authorities. Perhaps, Sir, I should qualify that by saying "financial anxiety", but there are other anxieties, Sir, of which the Minister is well aware: I do not wish to go into details in this Council, but, Sir, he knows them, he knows I know them, and I know he knows them.

Sir, he talked about the quality of people in local authorities. I agree with him 100 per cent on that. The difficulty always, of course, is, as a local authority extends more and more responsibility, so it becomes a greater burden on the voluntary person who gives up his or her time on committees. There is always that point to remember, that it is difficult to find people who have got the necessary time and qualifications who are available to do this work.

Sir, my hon. friend, the Nominated Member, Commander Goord, I thought came into the debate as the real expert on this problem, and, Sir, it was refreshing to have support from the Government Back Benches from somebody who knows so much about the problem.

Sir, as far as I am concerned, I quite agree to this amendment for two reasons: first of all, it is not much good if I do not agree to it. The Government whip will come down and it will be forced through. And secondly, Sir, the assurance has been given by the Minister that this committee will look into all the problems and will really become the working party that I want.

I would like, Sir, the Minister—if possible to report to this Council at a later date, perhaps move a Motion from his side, giving us some information as to what this committee has found in the course of its deliberations of this coming year.

I think I have said enough on this, Sir; I do not quite know what the procedure is—do I support the amendment now, Sir?

I accept the amendment, and I beg to move.

Question that the words proposed to be left out be left out put and carried.

Question that the words to be inserted therefore be inserted put and carried.

Question that the Motion as amended put and carried.

MOTION

REVIEW OF MONETARY SYSTEM

MR. ALEXANDER: Mr. Speaker, Sir, I beg to move:—

THAT this Council urges Government to review immediately its present financial position and at the same time to enquire into the desirability and practicability of any changes in the monetary system in Kenya for promoting the economic development of the Colony and to report to this Council on both these matters at the earliest opportunity.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

Mr. Speaker, notice of this Motion was announced on 7th November last, almost a month ago. Since then, there has been much talk in the Press and elsewhere on financial matters, on income tax, on prices, and on monetary policy. There is no doubt whatsoever that the thinking public of Kenya are at this moment acutely aware of and very, very interested in the whole of Government's financial affairs and its financial policy. I am sure as well that our Government are sensitive to this public concern and, no doubt, painfully conscious of current financial problems without needing any particular prompting from this side of the House on this particular subject. It would be wise, therefore, for our Government to treat this Motion and to use the opportunity it affords to tell us and all the public exactly where we are financially at this moment and where we are going to. (I am glad that the Minister has come and is not going at this particular point.)

The Government have had a month in which to think about the subject and today we are expecting some informative and objective comments and undertakings from the Government in reply to this Motion.

The first part of the Motion asks for a review of Government's present financial position. May I, Mr. Deputy Speaker, for a moment just have a look at this. I had hoped to be able to give figures as at the close of business on

30th November, but those are not available to me, but perhaps in reply the Minister will bring my figures completely up-to-date as I am sure that he has available to him the Exchequer returns that will be printed in the Gazette, in the next few days.

At the beginning of this financial year, that is on 1st July, 1958, the recurrent budget started with a cash deficit brought forward from the previous year (that is as at 30th June, 1958), the recurrent budget deficit was £136,186. In the four months to 31st October this year, the four months of the current financial year, the excess of expenditure over income is roughly £250,000. This further deficit in the four months to 31st October, when added to the deficit, brought forward from last year makes a total shortfall on recurrent account at 31st October, 1958, of £351,534. It is interesting to note how this deficit for the four months to 31st October has arisen. The total budgeted expenditure for the current financial year to 30th June, 1958, is estimated at approximately £33,000,000 as against the expenditure in the previous year of £33,800,000. Therefore, this year, we should be raising—when I say this year, that is July, 1958, to June, 1959—we should be raising approximately the same revenue as we did last year. But what is in fact happening? Already, in the four months to 31st October, the total of ordinary revenue is £7,800,000 as against £8,200,000 for the same period of last year. That is, a shortfall of under, just under, £500,000; a shortfall of nearly £500,000 in four months. At this rate, the shortfall by the end of the financial year will be £1,500,000. Of this difference in the four months, Customs and Excise is up by some £200,000, whilst income tax collections are down by more than £500,000, and I suggest that that shortfall on income tax collections is perhaps even more serious than it seems, because the energetic activities of the Income Tax Department in recent times has, I believe, resulted in a collection of very substantial arrears which are reflected, of course, in the current year's revenue. I am suggesting that this £500,000 of deficit, if one was able to identify the figure in the collections which relate to other years, would be substantially greater than £500,000.

[Mr. Alexander]

What I am also suggesting is that the accumulative effect of this catching up of arrears is bound to reflect itself in the Budget for next year and subsequent years.

Another interesting factor is that in the two months to 31st August this year, we had already drawn almost the full amount of assistance of £1,500,000 from the British Government for the whole year: the £1,500,000 from the British Government is intended for the whole year. By October of last year, we had not drawn any sums in this particular respect. It is therefore reasonable to assume that we are already using this assistance to finance our normal spending in the current year. Without this assistance from Her Majesty's Government, drawn so soon in our financial year, the deficit for four months to 31st October would be about £1,750,000, which, with the deficit brought forward from last year, would mean a total accumulated shortfall at 31st October of a figure of some £2,000,000.

Turning now to the Development Account, the cash position there is even more alarming. At the beginning of the current financial year (that is, on 1st July, 1958), the accumulated deficit at that date was some £4,000,000. The budgeted expenditure for the year to 30th June is approximately £11,000,000 for development. With the deficit brought forward of £4,000,000 (that is a cash deficit, an actual deficit from last year) it means that by June of next year, some £15,000,000 of permanent money is to be found if the development exchequer is to be balanced without resort to temporary balances and deposits which may be lying in the hands of the Paymaster-General for other purposes. It is likely that the Government borrowing of these temporary funds that happen to be in the Paymaster-General's hands might be as high as £5,000,000.

My understanding is that they cannot go above £5,000,000 without coming back to this Council for specific authority and the presumption is, I imagine, that we have not yet reached that figure. But it will be interesting to know as at the end of November exactly what figure is involved. Whatever it is, it is an unhealthy situation as these types of funds, as I said in a previous debate,

might be recalled or required elsewhere at short notice. This, I suggest, Mr. Deputy Speaker, is financial juggling cut to the finest margin and can be exceedingly dangerous. I do congratulate the skill of our Treasury officials with which they exercise this financial juggling, but I do not envy them their position and I suggest it is getting dangerously fine.

An example of these temporary funds held by the Government, just so that hon. Members will know the sort of type of money that I am talking about, is the amount resulting from the sale of these tax reserve certificates. At the end of October this year the Government held funds in this respect—that is, in respect of tax reserve certificates—amounting to £1,300,000.

Of the £15,000,000 of permanent money required within the next seven months. It is estimated that some £2,600,000 will come from miscellaneous sources such as the Colonial Development and Welfare Fund and American aid. This leaves some £12,500,000 to be found from borrowing—a lot of money in a short time. I question, Mr. Deputy Speaker, whether it is going to be possible to do it. In fact, I do not believe it is £12,500,000 of permanent money between now and the end of June, 1959, is, I suggest, Mr. Speaker, an impossibility. My guess is that we will end the current year either with a huge deficit on our development exchequer or with a drastic reduction—and I imagine that that is what we are going to hear: more about—in our development programme.

It is interesting to note here that of the institutions that have access to direct borrowing on the London market, or, rather, the only other institution outside the Government that has direct access to the London market, the Nairobi City Council are themselves requiring some £4,000,000 at this moment. That, added to the £12,500,000 required by our own Government gives a figure that is standing in the queue at the Capital Issues Committee in London of some £16,500,000.

Whilst I am on this question of borrowing—the borrowing of permanent capital from the City of London—I wish to remind hon. Members that on 21st May, this year, when the Minister for Finance had attempted to cast doubts

[Mr. Alexander]

on my explanation of how loans to Government are raised in London, I said that my information was based on correspondence with the Minister's own office, and I undertook at any appropriate moment in the future to quote these particular authorities to hon. Members. I do believe, Mr. Deputy Speaker, that as I am on this subject of borrowing from London this is an appropriate moment for me to keep my promise which I made to hon. Members.

It is very important that the borrowing procedure should be on record. There is an idea, I believe, in this House, and certainly—very certainly—outside this House, that borrowing on the London market by our Government is the result of some peculiar magic here in Kenya. Mr. Deputy Speaker, on 20th May, this year, I said the following: "The Minister for Finance did say . . ."—and here I was quoting the Minister for Finance (" . . . Provided we do get our London loan—and I have every reason to believe that we shall'), has he any doubts that the Colonial Office and the Crown Agents will not fulfil their obligation to us in this respect, because they are entirely responsible, although I realize that there is a very mistaken impression as to who is responsible. Our part of the job is to produce a development programme on the firm advice from Britain of the finances that are likely to be available to us". That is the end of my quote. It was based on information supplied to me from the office of the Minister for Finance. On 23rd November, 1957, I wrote to the Treasury and I asked, and I quote: "I would be obliged to have a brief explanation of the process and procedure for raising loans in London, including the respective roles in connexion therewith of the Colonial Office, the Crown Agents, the British Treasury, and the Kenya Treasury". This was followed by correspondence between myself and the Treasury, and just for the record I would like to put these dates down.

The Treasury wrote to me on 11th December, I replied on 13th December; I then heard from the Treasury again on 21st December, to which I replied on 24th December. Finally I received a very helpful and informative letter—in

fact they were all helpful and informative—from the Treasury on 24th January, 1958. The summary of this correspondence—and this will place on record, quite clearly for everyone to understand—shows just how little the Kenya Government has anything to do with the actual machinery of raising loans in London. Mostly the Crown Agents act as an issuing house in London for Kenya Government loans. Secondly, the Crown Agents communicate and advise on terms. The fact of the matter is that our Government has to pay—there is little or no alternative—the market price ruling at the time of issue which will have been agreed as suitable by the Bank of England. Thirdly, Sir, the Crown Agents issue a prospectus and receives subscriptions. They also issue stock certificates and maintain the London register. Fourthly, Sir, underwriting is arranged by the Crown Agents through their brokers and the Kenya Treasury has no detailed knowledge of how these arrangements are made. Fifthly, clearance with the Capital Issues Committee—that is, our place in the queue—is arranged through the Secretary of State for the Colonies. The British Treasury have to consent to the issue and their consent is contingent on approval by the Bank of England of the date as well as the terms of the issue.

Turning now, Mr. Deputy Speaker, to the second part of the Motion, it asks the Government to enquire into "the desirability and practicability of any changes in the monetary system in Kenya for promoting the economic development of the Colony. On 1st May, this year, Mr. Deputy Speaker, I spoke in this House to my Motion concerning the raising of loans and attracting capital to Kenya and the banking system. I have no wish to repeat all that was said and all that I said on that particular Motion. Sufficient is it that I ask the Government today to say whether they have reconsidered what I had to say and whether they agree with all or some of the points that I made. What I do wish to deal with today is the question of our banking system. Returning for a moment to 1st May, this year, I said, and I quote: "A clear warning, nevertheless, is that if we move into a depression the present currency and money system of Kenya

[Mr. Alexandér] will have a deadening influence. It will make worse an already receding economic situation. What can we do about it? The answer must come from the expert enquiry". I would suggest, Mr. Deputy Speaker, that those words have become more true in the months since then. Our monetary system has a deadening influence on our economic activities.

At the moment there is little or no management—monetary management—by the Governments in these three territories. The workings of the commercial banks in creating a supply of money appear to be unco-ordinated. There appears to be no specific responsibility for helping and watching the development of the financial system in these territories, including such overall co-ordination on matters such as agricultural credit, capital markets, and the growth of commercial banking. There is an urgent need for a means to improve the economic stability of these territories. One of the main shortcomings in the present monetary system is that it does not actively try to influence the supply of money in these territories to take account of the state of trade and the balance of payments.

Mr. Deputy Speaker, in this context may I just quote again from what I said in this House on 1st May, last, and I quote: "It is perhaps significant to note that about the time that Mr. Fisher was asked to report on banking in Nigeria the West African currency liability was £65,400,000; and here, in East Africa, in 1956, the total currency was nearly the same, i.e. £60,700,000".

All these sorts of questions would be answered by a study of the desirability and practicability of establishing a Central Bank in East Africa. I ask our Government to indicate clearly whether they would agree that such a study is appropriate now and, if so, how they intend to set about it.

Mr. Deputy Speaker, I beg to move.

*AIR COMMODORE HOWARD-WILLIAMS: Mr. Deputy Speaker, to me comes the pleasure of seconding the Motion so lately put by the hon. Member for Nairobi West.

I am, Sir, proposing to take quite a different line to him on this subject. We are both more interested in economy than we are in chaos. And talking about chaos brings me naturally to the substantive Minister for Finance. I can only regret his absence, but, then, he is so seldom here.

Before I entered this august Assembly, I was told that he had resigned, as he promised he faithfully would do. Then I heard that he had changed his mind and that he had not retired. Then I heard tell that he had gone on a leader exchange grant to the United States of America. Whose camp is he in? Is he our leader? I suggest that we do all we can to persuade him to exchange before he touches our next Budget.

His recent television broadcast was a tragedy, not only for Kenya but for the Europeans and the Africans, and can be held indeed responsible in some regard for the display of bad manners we saw. They were properly led up the garden path. Perhaps he is playing the new game which they have played up at Eldoret where four friends get together and take a bottle of whisky and a glass and sit round a table, and they drink it or, rather, they all drink it, and then one of them goes out and the others have to find out who it is. The only difference, of course, is that the substantive Minister for Finance does not have whisky, and we know who it is beforehand.

Scarcely anyone who lives here invests a penny in our loans. Our money is busy bolting to South Africa and Rhodesia and to India, on the quite proper advice of our brokers and our bankers, quite proper because their interest is the interest of their clients. I am constantly hearing of substantial sums that are being withheld. One broker in this city has given me permission to say that he alone has sent out £100,000 alone in one month from here, which gives you a measure of what is happening. I have recently heard tell that the City of London no longer believes what some of our alleged leaders are saying.

Another of many similar examples on this same plane concerns dehydrated coffee. It may interest the House to know that the other day some £200,000 was destined to come here to start up

[Air Commodore Howard-Williams] a plant to take f.a.q. coffee and the lower grades and dehydrate it. That money has since stopped dead in its tracks. I can tell the House, but will not bore it, about some dozen or more important projects which we all know have been recently withheld or switched from here, totalling considerable sums. It is useless for the Government to put its hydra head in the sand an just wave its tail at us because, frankly, those are facts, and everybody knows they are facts.

Therefore, Sir, I challenge the Chief Secretary, the Acting Chief Secretary, the Acting Minister for Finance, the Minister for Commerce and Industry and the Minister for Agriculture to deny my statement. As evidence, I produce every reliable banker and broker in this colony.

On the question of note circulation, Sir, the note circulation of East Africa was about £20,000,000 in 1950 or a little above that. It rose to just below £50,000,000 in 1955 and is now some, I believe, about £60,000,000, all of it paper. My authority is *The Times*. What has happened to this extra £40,000,000 which has been printed? It is mostly in circulation and has been paid out for services rendered for Government. It is a hidden loan against inflation. Much of it is in the reserves, despite the sally made by the Acting Secretary to the Treasury on my recent report that there was £18,000,000 tucked away. The Secretary to the Treasury belittled the figure, yet it remains so. To begin with, Sir, he sees money in the reserves as only paper. I see it also as cattle, which can be sold, as meat. When my figures become an understatement, my argument becomes all the more tenable.

By the way, the list of securities which form the excuse for our inflation are largely loans from other colonial territories which are just conveniently switched around to keep up appearances. That the list of securities also included recently £700,000 in almost worthless bullion in the vaults of the bank is, perhaps, noteworthy. Many of the securities are some 10 per cent or 20 per cent down on their quotations with the £1 worth less than Sh. 12 today of what it was ten years ago. As the Minister for Finance

admitted, and I quote, "A married man with two children would need a salary of £2,000 today to give him the same purchasing power, after tax, as a gross salary of £620 in 1939"—when of course he would have paid no tax". There is the stark effect of inflation on you and on me. This same figure has been worked out by a leading accountant here, that a man who would, in 1938, have earned £60 free of tax would today have to earn £283 a month—which puts him up somewhere round about £3,400 a year, which is enough to put him up amongst the ministerial classes.

The cost of living figures confirm these figures. We should all get more: we should, but we do not.

Anyone who tries to pretend that this system does not lead to inflation needs to take a look at what happened in China comparatively recently, and Germany some time ago. Sir, when they pushed the printing presses far too fast and far too far, I have here a report concerning wages and unemployment and inflation by Dr. Ludwig von Reiss, the Professor of Economics at the New York University. I do not wish to bore the House but I am going to read one or two short excerpts from it. "All political parties and pressure groups protest that they are opposed to inflation. But what they really mean is that they do not like the unavoidable consequences of inflation, namely, the rise in living costs. Actually they favour all policies that necessarily bring about an increase in the quantity of the circulating media". There is only one really successful political party in Kenya and that is the Government. However, let us now go on with Dr. von Reiss's dissertation. "But finally the authorities became frightened. They know that inflation cannot go on endlessly. If one does not stop in time, the pernicious policy of increasing the quantity of money and fiduciary media the nation's currency system collapses entirely. It has reached a point which, for all practical purposes, is not better than zero, and that has happened again and again in this country; with the continental currency 'in 1781; in France in 1796; in Germany in 1923. It is never too early for a nation to realize that inflation cannot be considered a way of life and that it is imperative to turn to sound monetary policies".

[Air Commodore Howard-Williams]

Where do we go from there? Certainly not to the Ministry of Finance where the Secretary to the Treasury, who is now the Acting Minister for Finance, answered a resolute "No" to my question, as to whether our exports were used as security, in a letter to the *East African Standard*. Unhappily for him, Sir, his colleague the Economist in the Treasury, had written in public a few days earlier the exact opposite. I quote: "The note issue has increased by depositing sterling obtained by selling exports". They must surely speak with the same voice, for decency's sake if for none other. When the Gods on Mount Olympus disagree what is a mere mortal to do? I suggest that he should disagree, too. The trouble with these otherwise, delightful characters of Walt Disney's fairy stories is that they sometimes assume human shape, when some people are apt to take their idle chatter seriously. I have yet to discover who was right—the Secretary to the Treasury or the Economist; but I suspect it was me, and with good reason. So, therefore, I can no longer accept a word either of them says, and I hope this will be regarded as natural. Could anyone, under the circumstances?

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck resumed the Chair)]

May I remind the House of what was said in Blackpool on 24th January, 1884, by Lord Randolph Churchill, the father of Sir Winston (who we are all pleased to know was 84 on Sunday), because it is true of Kenya today. "We come now upon bad times. If ever national thrift was necessary it is necessary now".

I wish here to assure the Chief Secretary that in saying this I am not attacking the Civil Service, about the chastity of which he seems to be a little alarmed. May I first presume to compliment the Civil Service of this Colony, including the Treasury, by the way, which bears the brunt of a constant attack that is made upon the Government by the Opposition *quâ* the Opposition. The Government took yet further steps recently to stop our obedient servants from discussing any-

thing whatsoever with the Members of this House. Why they did that remains a mystery. Why? What are they afraid of? Their own dark shadows in their own shady nooks? I must say that all this is rather like the chap who went to the psychiatrist saying: "I have got *dudus* going all over me". The psychiatrist pushed him away and said: "Go away, I do not want *dudus* going all over me".

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, has this anything to do with this Motion, or the arguments which the hon. Member is following?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am waiting to hear how the hon. Member's entomological arguments develop.

AIR COMMODORE HOWARD WILLIAMS: I shall very soon come back to the point, Sir.

May I observe that the civil servants of Kenya are as loyal to their masters as anyone else?

If I may, Sir, I would like to bring to notice the import of a disturbance payment as a better incentive than inducement pay to attract men to the Colony in that they have to sell up when they leave England and buy up when they arrive in the Colony. It is surely better that they should be able to live here free of debt.

Now, to anyone who may think that I do a disservice to Kenya by telling the truth, in which I have for some time been interested, may I say that the truth never did anyone a disservice. That is the prerogative of propaganda, which is also the prerogative of the Government.

To anyone who may doubt the wisdom at this time of these particular arguments may I say that they are now widely known all over the world. My sole purpose is to lay the blame where it belongs, fairly and squarely on the shoulders of this Government, for the record.

To any who may doubt the future, may I compliment the Governor, His Excellency the Governor, and Mr. Lennox-Boyd, upon their proper and forthright recent statements. That should

[Air Commodore Howard-Williams]

re-establish our credit and they were, I thought, well supported by the hon. Minister for Local Government, who is not here, in his speech at Mombasa. I hold the view that Kenya can now go full steam ahead, with all its steam, consciousness in the knowledge that political stability is at long last safe and sound.

May I conclude, Sir, with a quote from *Count Bellasarius* by Robert Graves, 3rd Edition, 1947, page 150. "As for the rest of Roman Africa, the inhabitants were now heartily wishing the vandals back again; not only because of the Moorish mecca but because of Justinian's tax-gatherers who settled like hungry leeches on the land. The vandals had also been leeches but gorged leeches. They only taxed the farmers one-tenth of their produce and were negligent in their collection of it. Justinian, on the other hand, required one-third and made sure it was paid promptly." In that he wants two-thirds from some among us, is the middle name of our Minister for Finance—Justinian.

Sir, I beg to second the Motion.

Question proposed.

MR. BUTTER: Mr. Speaker, Sir, I have almost given up hope of explaining to the hon. Member for Nairobi North how the currency system works. It is really an extremely simple matter, and I would like just to try once more to see if I can have any greater success than my hon. friend, the Temporary Minister, and myself have had when we have tried to do this in the columns of the Press.

To put it at its most simple level, the Currency Board is rather like a shop, the shop that sells and buys. If a bank requires notes it buys the notes by depositing sterling with the Currency Board in London. If it wants to get rid of the notes it can deposit notes with the Currency Board and obtain sterling instead. The Currency Board therefore receives notes from the banks when they want sterling, and issues notes to the banks when the banks want notes. The defect of the system is really the one pointed out by the hon. Member for Nairobi West, in that it is an automatic system over which the Government has no particular control. But I would not like the hon. Member for Nairobi West

to think that currency is the only form of money. Money consists both of currency and of bank deposits; bank deposits are a more important part of the money supply and the one over which the policy both of the Government and of the banks, has more direct influence. In fact—if I may return to the hon. Member for Nairobi North—if he goes along to his bank and cashes a cheque for Sh. 100, and the bank as a result of giving him that Sh. 100 wishes to increase its stock of notes, the bank will purchase a Sh. 100 note from the Currency Board by depositing the equivalent amount of sterling in London.

The Currency Board then invests that money. The greater part of the Currency Board's investments are in sterling securities, so that if the banking system requires less notes and more sterling, the Currency Board can meet the situation. The Currency Board has been permitted to invest a part of its money in local securities and the amount invested in local securities is published each year in the Annual Report of the Currency Board.

If I may turn now to the hon. Member for Nairobi North very briefly: my hon. friend, the Temporary Minister for Finance will reply in detail on the actual financial position of the Colony, but if he does not get an opportunity of doing so this evening I would just like to put the hon. Member slightly out of his agony and assure him that the position at 30th June, 1959, on development account will not be that we will be in the "red" to the extent of £15,000,000, or that we will need to borrow that much in order to balance the account. The Development Estimates when presented indicated that about £5,700,000 would be required to cover loan expenditure in the current year. We have added to that now £2,100,000 for the Mombasa Water Supply major project, but on the other hand, as indicated at the time of the last Supplementary Estimate, we have obtained certain additional funds from the Colonial Development and Welfare Vote, and without going into detail at this stage I can say that at present, as far as we can see, we require about £9,500,000 of loan money during the current year in order to end up all square on development at the end of the current financial year.

Mr. Tuffey:

It was stated in the Development Commission that no money during the war in Kenya was being used for the purpose of the development of the country and that the Government should be in a better position than it is at the beginning of the financial year.

The hon. Member also referred to the possibility of raising loans in London by various methods, especially from banks in that country from the Treasury. Mr. Tuffey is understanding why it was that we are getting in the way of doing the things of the former Agents for raising loans in London but if we were to do the same, shall we not be doing the same as the former Agents for raising loans in London? It is a question of the nature of the loan and the manner of its raising.

It is also stated in the report that the Government are not in a position to raise loans in London at the present time and that the Government are not in a position to raise loans in London at the present time. It is also stated in the report that the Government are not in a position to raise loans in London at the present time and that the Government are not in a position to raise loans in London at the present time.

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The Temporary Minister for Finance and Development (Mr. MacKenzie):

Member for Nairobi North will also excuse me if I say that I was also vainly entreated with his robust contribution to this debate, even if I could not agree with everything he said, a good deal of which I fear, as my hon. friend the Secretary to the Treasury has pointed out, seemed to be somewhat at variance with certain of the objects put forward by the Motion, particularly in connection with banking policy and monetary management.

I was also Sir rather entertained by the various references that the Member made to Moorean variations and to the measures taken by farmers to collect taxes from the farmers. That Sir, was very interesting, although I must admit that I am not a little puzzled as to the exact bearing of those particular remarks on the Motion before the House.

I do not think, Sir, that it is necessary for me to add anything more to what my hon. friend the Secretary to the Treasury has already said regarding the war in which the Government have been engaged and the fact that as I have pointed out before, the Government have not been able to raise loans in London at the present time. It is also stated in the report that the Government are not in a position to raise loans in London at the present time and that the Government are not in a position to raise loans in London at the present time.

It is also stated in the report that the Government are not in a position to raise loans in London at the present time and that the Government are not in a position to raise loans in London at the present time. It is also stated in the report that the Government are not in a position to raise loans in London at the present time and that the Government are not in a position to raise loans in London at the present time.

[The Temporary Minister for Finance and Development] churning out bank-notes from a machine and setting them in circulation. So far as this Colony is concerned, that does not happen and it is not likely to happen.

Now, Sir, there was one point that the hon. Member for Nairobi North mentioned, and that was he said that substantial sums of money were leaving the Colony regularly to go to other parts of the world, and he also said that he had it on good advice from bankers and brokers that large sums were also leaving the Colony. I take it, Sir, that the hon. Member will be quite prepared to substantiate those particular statements, if necessary, and to quote chapter and verse for them.

AIR COMMODORE HOWARD-WILLIAMS: On a point of information, Sir, I said withheld or leaving the Colony.

THE TEMPORARY MINISTER FOR FINANCE (Mr. MacKenzie): They were being withheld; that is, being withheld from coming into the Colony. I take it, as I say, the hon. Member is prepared to substantiate that and to quote chapter and verse for it if called on to do so.

Now, Sir, there is only one further point I would like to deal with in the speech of the hon. Member, and that is that he mentioned that the pound today was only worth Sh. 12 in—I think it was 1949 or 1950.

AIR COMMODORE HOWARD-WILLIAMS: 1948.

THE TEMPORARY MINISTER FOR FINANCE (Mr. MacKenzie): 1948. I thank the hon. gentleman very much for correcting me on that, 1948. Well, Sir, all I can say is that may well be so, but here again the Government of Kenya must disclaim all responsibility for that state of affairs. Certainly the Sh. 20 note in Kenya is of exactly the same value in terms of sterling as it was in 1948 or at any other time. The fact is that it is sterling which has been inflated—and indeed, Sir, currencies throughout the world have also been inflated since that time, and that has been one of the unfortunate factors which we have all had to face in the post-war world, and it is one from which a small Colony like this cannot escape.

Now, Sir, I turn to the speech of my hon. friend, the Member for Nairobi West. He began by giving us an account of the financial position as he saw it and asked for an up-to-date report from me. I will endeavour, later in my speech, to comply with that particular request. Before I do so, I would like to deal with one or two of the smaller points dealt with by him in passing. My hon. friend, the Secretary to the Treasury, has already covered the points regarding borrowing. All I would like to add is that of course we all know that the technical details are dealt with by the Crown Agents in London. They act as our brokers just in the same way as anyone else who is going on the market for a loan employs brokers to undertake the technical work of issuing. They are, in fact, our issuing house, and of course they advise us as to prices and all things of that kind.

I must say I cannot find anything inconsistent in the summary he gave or in the correspondence that took place between the hon. Member and the Treasury. I find nothing inconsistent in that and in what has been said by the substantive Minister and by me in this House.

Fundamentally, Sir, the thing is that the Government decides how much money it needs to finance its development programmes and it then naturally takes the best advice available as to how much money it is likely to be able to raise in order to finance those programmes. There has to be a good deal of discussion but, Sir, I would not like anyone to think that although the technical details are all handled in London, that no responsibility rests on this Government in formulating its loan requirements. The fact is, Sir, that if a Colony is to get onto the London market, it has to be able to show that its requirements are realistic, that its programmes are such as will bring about the general economic welfare of the Colony, and that its political background is such that the overseas investor will be prepared to invest his money in the Colony. That, Sir, is one of the things that this Government does and is trying to do at all times. This Government's aim—as has often been said—is to maintain security first, to bring about

[The Temporary Minister for Finance] economic development, and thirdly, to improve our social conditions. That is the policy of the Government and it is on the Government's success in carrying out that policy that investors in London will judge our credit worthiness.

In recent years—the last two or three years—it has, however, been extremely difficult for any Colony to raise money on that market. That, Sir, has not been due to any short-coming on the part of the Governments concerned. It has been entirely due to the technical fact that the colonial portfolios of the large overseas investors have been full; the same has to a considerable extent affected all gilt-edged borrowing, and naturally the smaller borrowers—the Colonial borrowers—are probably in the weakest position, when money is in that state of affairs. But, Sir, recently we have had one extremely welcome indication from Her Majesty's Government of their determination to assist the Colonies, for which Her Majesty's Government is responsible, and that was the announcement by the Chancellor of the Exchequer during the recent conference in Canada that the Exchequer was prepared to come in as a lender of last resort. That, Sir, I

think is a most welcome sign, and will mean that Colonies will be able to obtain, in the last resort, the money they need. I should, however, say, Sir, as I said in a speech earlier in this session, that it is the hope of this Government that as far as possible it will be able to raise money on the market, either here or in London or in both places, and that we shall only have to use the Exchequer as a lender of last resort. That, obviously, is what one should aim at and with that end in view we have every intention of making ourselves as credit worthy as possible.

Now, Sir, my hon. friend the Secretary to the Treasury mentioned earlier that I would be moving an amendment to the Motion. I will not do so immediately and my amendment does not amount to a rejection of the Motion but to a slight alteration in its terms. Before doing that, however, I would like to deal generally with the financial position as we see it at the present time. Everyone, Sir, is in possession of the Exchequer returns as they are published in the *Gazette*. They are in published form up to the 31st October. My hon. friend said that he

would like me to give the latest returns as at 30th November. I am afraid I have not got those with me at the moment, but they do not affect the general position to any very great extent. There is the further point that until certain supplementary returns are available, which were available in respect of the 31st October return but which are not yet available for the return as at the end of November, I would prefer to stick to the figures as at the 31st October.

Well, Sir, as the hon. Mover said, the position in the Exchequer at the 1st July was that there was a deficit of £136,000 on our revenue account, that is on the Colony's ordinary account; there was a deficit of £4,037,000 on development account; and there was a credit balance of £1,316,000 in respect of tax reserve certificates; that is, in the Exchequer as a whole, there was a deficit of £2,586,000. As a matter of interest, the figures for the same periods of the previous year were that there was a deficit on revenue account of £525,000; on development account of £2,338,000; and on tax reserve certificates there was a credit balance of £1,406,000, giving a total deficit of £1,457,000.

Now, Sir, on the basis of that, it would appear that the Colony's position was almost exactly £1,400,000 worse on the 30th June, 1958, than it had been on the 30th June, 1957, and that we had gone into the red to the extent of £1,700,000 more on development account.

On the other hand, we would appear to have improved a little in the ordinary account, tax reserve certificates being generally, where they were. I think, however, Sir, that I should explain at this stage that although the position of the Consolidated Fund during the year is a fairly good indicator of the general financial position of the Colony at any one time, it is not quite such a good indicator at 30th June. The reason for this is that our financial year comes to an end on that day and that in the previous month it is the practice for the Government to make available to all departments the amounts of money which they think they will need to complete their expenditure programme during the year, of course within the total amount made available in the Appropriation Ordinance.

[The Temporary Minister for Finance]

Now, Sir, a lot of bills come into Government departments at the end of the month and it is necessary to make quite sure that they are going to be able to meet them. For that reason we do issue, within the limits of their revised estimates, as submitted to the Treasury, this money. The departments tend to be rather optimistic as to their expenditure and the result is that at 30th June a considerable amount more money tends to be issued from the Exchequer to meet those bills than very often turns out to be needed. That money, in so far as it exceeds the total amount actually spent, rests with the departments over the end of the year and is held by them in the forthcoming financial year as a credit towards their expenditure in the new financial year, and it is, of course, deducted from the total amount made available to them in the Appropriation Ordinance for the new year.

Now these sums which are carried forward tend to be quite substantial and they do affect the actual position as shown at the end of each year. In so far as 1957/58—the year that has just finished—is concerned, on ordinary account (that is an ordinary Colony account) we now have had the final expenditure figures and we know that at 30th June there were unspent issues of cash lying with departments of £735,000. If that is taken into account, as hon. Members will see, the true position was that the ordinary account was so much better off and that, in fact, instead of there being a deficit of £136,000—that is an accumulated deficit of that amount—at the end of the year, there was, in fact, a surplus of approximately £600,000.

Turning to Development Account, a considerably greater sum was left unspent with departments at that time. It was indeed rather more than £1,000,000. That must be deducted from the Development deficit as shown in the Exchequer Account if we are to have the true figure. In addition to that, at 30th June there was a sum of nearly £1,000,000 further in colonial development and American aid money which had been paid to the Crown Agents in London but which had not, in fact, been transferred to the Colony Exchequer by 30th June. It had been so paid during the

current financial year. If those two sums are taken into account, Sir, the position is that the true deficit on Development Account at 30th June was rather less than £2,000,000.

Finally, Sir, there is the figure for tax reserve certificates in respect of which the accumulated balance was £1,316,000 and the House can see the two credit figures, the £600,000 for revenue on Ordinary Account and the £1,300,000 in tax reserve certificates, approximately balance the true deficit of rather less than £2,000,000 in Development Account and, therefore, taking into account these factors, the general position at 30th June was that the Exchequer was very slightly in credit.

Now, Sir, the hon. Mover referred in his speech to the fact that when the Exchequer was in debit, various short-term methods were used for financing it and he mentioned that one of them, for instance, was the £1,316,000 of accumulated money in respect of tax reserve certificates.

Sir, it is quite true that that money is revenue in advance and is therefore in the nature of a short-term loan to the Government, but there is—although it fluctuates from month to month and even from year to year—a certain fairly solid hard core of money in that tax reserve certificate balance; for instance at the end of 1956/57 it was £1,400,000, at the end of 1957/58 it was £1,316,000, since the end of the year it has increased and I think it can be regarded as being fairly safe that there is this sum of not less than—at any rate—£1,250,000 lying available there. Although it is of the nature of a short-term loan, in the aggregate it is not likely to move or change very much and is, therefore, available for financing short-term deficits and, indeed, Sir, it was with this end in view (as well as to assist the taxpayer) that the tax reserve certificates were brought into being and have been maintained.

Now, Sir, I would like to deal with the general position during the past year. The final accounts for 1957/58, which are now available in manuscript form and will be published with the Colony's normal accounts later in this Session, show that on the non-development side revenue last year—including the £3,000,000 assistance from the United

[The Temporary Minister for Finance] Kingdom, amounted to £33,429,752. That, Sir, compares with an original estimate of £33,588,650, there being a shortfall of £160,000. That is rather remarkable, that we have got so near to the estimate of revenue in the year, although there were certain components of that figure that were higher than we expected them to be and certain figures that were lower. The expenditure figure for the year was £33,298,962, or almost exactly £33,300,000. That compares with an estimate of £34,944,000 and a revised estimate of £33,807,000. Comparing, Sir, the revenue figure of £33,429,000, with the expenditure figure of £33,299,000, there was a surplus for the year of a little over £130,000. That is, in fact, what we did on current account last year. We made both ends meet.

Now, Sir, turning to the development position, development receipts during the last financial year came to a total of £7,000,000 approximately, if the £1,000,000 to which I referred earlier as having been received in the Crown Agents' office in London and not transferred is taken into account, or without that £6,000,000. Expenditure came to £7,864,000 so there was a true deficit last year on the Development Account of approximately £864,000. Of course, the total expenditure was, as on Ordinary Account, considerably less than the estimate, which was £11,000,000. The shortfall in expenditure was, partly due to overoptimistic estimating and partly to the fact that development expenditure was, as the House was informed, at a rather lower rate during the later months of last year when it became clear that we were unlikely to obtain all the loan money that we needed.

I should add here, Sir, that as soon as it became clear that revenue last year was not as buoyant as it had been in the past and as we had hoped it would be, the Government also began to take every step to do everything possible to economize and the Government is still doing that. That is the main reason why actual expenditure on Ordinary Account last year was some £1,600,000 below the original estimate. I mention that, Sir, in order to show that the Government is continually working on this position to make sure that our recurrent expendi-

ture—and that is really what matters most in these matters—does not get out of hand as compared with our recurrent revenue.

A similar watch is kept on development expenditure and there again, I can assure the House, and I am sure they would wish to be assured, that the Government does not incur development expenditure unless it has good reason to believe that it is going to be able to raise such loan moneys as may be needed to finance it.

Now, Sir, I turn to the position for the current year. The total revenue estimate on non-development account for this year is £31,315,000. Of this £400,000 represents the estimate for excess exchequer receipts, and that leaves a total ordinary revenue figure of £30,915,000. That figure, as the House will note, is approximately £500,000 more than last year's actual revenue, actual ordinary revenue—that is, revenue excluding Her Majesty's Government's assistance of £30,429,000.

The largest revenue item is that for Customs and Excise for which the estimate is £12,700,000. This figure was considerably greater than last year's original estimate, and nearly £1,000,000 greater than the actual receipts for last year. It was based on the assumption that last year's original estimate would be achieved; as the House knows, revenue estimates have to be compiled a considerable time before the end of the financial year, and also on the assumption that about an extra £1,000,000 would be obtained from the additional duties which were imposed in last year's budget. It was also hoped that there would be some recovery from the depressed state of trade during the last financial year and I think probably in some ways that that particular hope may be realized. It is, however, now clear that even if we do get the full extra £1,000,000 from the textiles, there may be some shortfall in Customs and Excise revenue.

Up to 31st October, the actual receipts were £4,125,000, and if this pattern were to be followed for the other two-thirds of the financial year, we should have a shortfall of approximately £300,000—a little over that—for the year on Customs. It is far too early to say what in fact will happen and if there is one thing

[The Temporary Minister for Finance] about which anyone can be quite sure in speaking of Customs and Excise receipts—particularly the Customs receipts—in this Colony, it is that the figures of past years do not give one any particular guidance as to whether the money comes in more in the first part of the year or in the second part of the year. Over the past three or four years that I have been dealing with this matter, the pattern has varied so much that it is quite impossible to forecast accurately exactly what is going to happen. There is, though, no reason for believing that the pattern for the early months will not be achieved, and in that event, as I say, there will be a shortfall of approximately £325,000. If things go rather better we may even yet achieve the target estimate. Now, Sir, the other main revenue item is income tax and the estimate for that is £10,900,000.

The hon. Member, the Member for Nairobi West mentioned that at the end of October there was a shortfall in this as compared with the previous year, and on the figures so far available I can tell him that there is equally a shortfall at the end of November. I am, however, not unduly perturbed by this. My advisers in the Income Tax Department inform me that they see no reason so far to believe that the total estimate for the year will not be achieved. In fact here again, Sir, the actual collections for the first four months, and indeed for the first nine months of the year, are a very poor indicator of the total income tax revenue likely to be collected. The reason for that is, as the House is aware, that very big income tax payments take place during the months of April and May, and until then a very large amount of the money that is collected is that collected from salary earners. Now, Sir, in this particular year there has also been an added reason why income tax revenue has not been at the same level up to date as it was last year, and that is that owing to the changes in taxation which were announced during the Budget—in the Budget—and which were passed into law during the later part of July—into law those changes had been given effect in law the Income Tax Department could not send out its assessments, and although they did everything possible to make sure they would go out as soon

as the law was passed the fact is there was some delay in getting out the assessments—some quite unavoidable delay. That, I think, has had a certain effect on the actual collections so far this year. Certainly the last time a similar exercise took place there was a similar shortfall during the early part of the financial year. So, Sir, the Government sees no reason to believe that its income tax revenue figure will not be achieved.

On the other items of revenue, the smaller ones, there will be various ups and downs, but all told there is no real reason for believing that there will be any large deficit overall, so that my view—and it can only be a view at this particular time in view of the uncertainties of the collections of import duties—is that at the present time we have no reason for believing that there will be any great deficit on current account during the coming year. We may be £300,000, £400,000, £500,000 down, but I think that is likely to be the total amount of revenue deficit on ordinary Colony account. That, the House will note, is a smaller figure than the carry-forward of £600,000 in unspent Exchequer issues at the end of 1957-58.

Now, Sir, on the Development Account, the position is, as I have said, that at the beginning of the year although there was a book deficit of £4,000,000 in the Exchequer in fact £1,000,000 of that was with departments and can be used for this year's expenditure, and another £998,000 was received into the Exchequer shortly after the end of the year in respect of revenue for the previous year. Taking those two figures together the real deficit was approximately a little less than £2,000,000 at the end of 1957-58. The £2,000,000 goes, of course, to reduce the amount of money required to finance development services during the current year.

Now, Sir, the total provision made in the 1958/59 Estimates for expenditure was £8,338,000, and of this as the hon. Member mentioned £2,600,000 was to be met from miscellaneous sources—Community Development and Welfare grants, International Co-operation Administration grants, fees, grants from revenue, and various other sources, and that left £5,700,000 to be covered by loans. Since then, as my hon. friend, the Secretary to

[The Temporary Minister for Finance] the Treasury, has mentioned, we have taken supplementary estimates partly to cover re-vote and partly to cover the balance of the cost of the Mombasa Water Supply, and those two together totalled £2,750,000. It is quite likely that further re-votes will be required during the year totalling perhaps as much as £350,000 on Development Account. The various sums concerned amount to £8,700,000. That is the amount that we are likely to need from loan funds to finance expenditure approved for the current year and to cover the additional amount for the Mombasa Water Supply.

On the other hand, Sir, since the original Estimates were approved it has become clear that a sum of rather more than £1,000,000—about £1,100,000 will be found from other sources. For instance, I understand that there is likely to be—that the Ministry of Works are likely to be able to surrender £200,000 from their unallocated stores fund. We know that extra Community Development and Welfare funds of £300,000 are on their way. We are likely to get another £100,000 from the Swynnerton Plan. In addition to that there is anticipated underexpenditure by the Local Government Loans Authority of £250,000 that is during this year—and also a probable underexpenditure on other votes of another £250,000. Taking all these together the amount required during the current year to balance expenditure, after allowing for other sources of revenue, is £7,600,000.

There is, of course, in addition the further sum of £2,000,000 which was carried forward as a deficit from last year. Those two taken together come to £9,600,000, but on the other hand there is, as I said, not considered to be any great risk of there being a large deficit on current account, on ordinary account, and we have no reason to believe that it will not be possible to finance—to continue to finance part of our expenditure from the balance in tax reserve certificates, which, as I mentioned, was £1,300,000 at the beginning of this year. Taking that into consideration we have a sum of approximately £8,300,000 to be found from loans to bring the Exchequer completely into balance at the end of the year, and as my hon. friend, the Secretary to the Treasury, has said, we

have no reason for believing that we shall not be able to obtain at least £8,000,000 of that during the current year in loan moneys.

Now Sir, I have given, I hope, a fairly full account of what the present financial position is up to the 31st October, and I would like to deal with the rest of—to answer the actual terms of the Motion tomorrow, but with your leave, Sir, at this stage I would like to move my amendment which is to the effect that all words in the Motion after "that this Council" should be deleted, and should be replaced by "welcomes the Government's announcement that it is reviewing its policies in the light of the financial position and supports it in its determination to promote the economic development of the country and to examine all measures, including monetary ones designed to achieve that purpose; and notes that it will report to Council on these matters on appropriate occasions".

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I conclude that you propose to move this amendment at the conclusion of your speech tomorrow.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Yes Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): It is a quarter past six. I adjourn Council until 2.30 p.m. tomorrow afternoon, Wednesday, 3rd December.

The House rose at seventeen minutes past six o'clock.

Wednesday, 3rd December, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PAPER LAID

The following Paper was laid on the Table:—

Report of the Forest Department for the period 1st July, 1955, to 31st December, 1957.

(BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt))

NOTICE OF MOTION

GOVERNMENT GUARANTEE TO MOMBASA PIPELINE BOARD BONDS

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council notes that Government proposes to guarantee bonds or debenture stocks in the sum of £1,350,000 which will be issued to the banks by the Mombasa Pipeline Board.

MINISTERIAL STATEMENT

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Speaker, Sir, with your permission I would like to bring to the attention of hon. Members certain matters which have been dealt with by the Sessional Committee.

PUBLIC ACCOUNTS COMMITTEE

The following Members have been appointed to the Public Accounts Committee:—

Mr. Alexander (Chairman).

Capt. Hamley.

Mr. Hassan.

Mr. Mackenzie.

Mr. Mangat.

Sir Charles Markham.

Mr. Mate.

Mr. Mohindra.

Mr. Pandya.

Mr. Oginga Odinga.

ESTIMATES COMMITTEE

The following Members have been appointed to the Estimates Committee:—

The European Minister without Portfolio (Chairman).

Mr. Alexander.

Capt. Hamley.

Mr. Hassan.

Mrs. Hughes.

Mr. Madan.

Sheikh Mohamed Ali Said el Mandy.

Mr. Muchura.

Mr. Mutimi.

Mr. Jonathan Nzioka.

Mr. Oguda.

Sir Eboo Prithpai.

Mr. Travadhi.

Mr. Tyson.

BUSINESS OF COUNCIL

In addition, Sir, the Sessional Committee has examined the business outstanding for the disposal of which the following arrangements have been made:—

Tomorrow, Thursday, 4th December, it is proposed to take Private Members' Motions standing in the name of Mr. Cooke and Mr. Alexander and the Committee stages of the Bills of which the Second Readings are being taken today. The Council will then adjourn until Tuesday, 9th December, when Mr. Nazareth's Motion will be taken, followed by the Motion standing in the name of the Minister for Education, Labour and Lands; and the Motion of which notice has just been given by the Minister for Agriculture. It is anticipated that these three Motions will take more than the time which would be available on Friday and there the Committee felt that it would be better to hold them over until Tuesday and to carry on and complete the disposal of them on Wednesday if necessary.

KITCHEN COMMITTEE

Also, Mr. Speaker, with your approval, I should like to inform hon. Members that the following Members have been appointed to the Kitchen Committee:—

Sir Charles Markham (Chairman).

Mr. Conroy.

Mr. Kirpal Singh Sagoo.

Mr. Rubia.

MR. COOKE: Mr. Speaker, on a point of order, do you not put the appointment of these Committees to the vote?

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): That is not under our new Standing Orders.

BILLS

SECOND READING

The Defence Regulations Continuance Bill

Order for Second Reading read.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Defence Regulations Continuance Bill be now read a Second Time.

This is a very short Bill and there are two simple reasons for it. One of the reasons is legal and there is an agricultural reason too. I shall deal with the legal reason.

Mr. Speaker, during the war in the United Kingdom a series of Acts were passed entitled the Emergency Powers (Defence) Acts, 1939-1945. Those were the Acts which allowed His Majesty's Government in the United Kingdom to enact various Defence Regulations; the application of those Acts was extended to Kenya and to other Colonies by Order in Council; and under those Acts, as they were extended to Kenya, various Defence Regulations were enacted in Kenya.

In 1946 these Acts would have expired in England and with them, the United Kingdom Defence Regulations and the Kenya Defence Regulations, had it not been for a further Act enacted in 1946 by Parliament which extended the earlier Acts for five years and gave Parliament authority to extend them at the end of that period for five years for additional periods of one year at any one time. They have been so extended from year to year.

Mr. Speaker, the latest news I have of them from England is that they are going to expire next Wednesday and with them, if they do expire next Wednesday, will expire the few remaining Defence Regulations which we have in Kenya.

We have, Sir, already either revoked our Defence Regulations or replaced them where necessary by more considered permanent legislation, with very few exceptions. Our few outstanding

Defence Regulations, with two exceptions, we intend now to expire. The two which we intend not to expire for the moment are the two mentioned in clause 2 of the Bill, that is to say the Defence (Control of Produce) Regulations, 1943, and the Defence (Control of Maize) Regulations, 1944. The reason that these two are to remain in force for the time being is that while existing crops are growing and being harvested and disposed of it is undesirable to change our system of control. When the crop year finishes in respect of produce under the Produce Regulations then it is proposed that any necessary control should be exercised under the Agricultural Ordinance, 1955; and when the maize crop year has expired it is proposed that we should by then have permanent legislation on our Statute Book which will enable us to exercise any necessary control over maize.

It is for that reason in clause 2 (1) of the Bill, that we keep in force these two regulations—the Control of Produce Regulations and the Maize Regulations—until the 31st day of July, 1959—that is to say, Sir, until the end of the crop year.

Mr. Speaker, I do not think there is anything else I can usefully add for the assistance of hon. Members and I accordingly beg to move that this Bill be now read a Second Time.

MR. WENN seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, I am sure that the hon. Mover himself will agree with me that this kind of legislation is bad in principle. I know that we have all got used now to a gradual erosion of fundamental constitutional principles whereby instead of laws enacted by the legislature slip more and more into a state of affairs where the Government has power to legislate by rule. But these very wide powers are still only justified, and can only be justified, in times of war or other emergency. It is really rather fantastic that the Defence Regulations, which were brought in so long ago in a time of emergency which has long since ended, are still being protected by further covering legislation, without being either allowed to die or embodied in more permanent legislation passed by this Council.

[Mr. Slade]

Sir, I do not think I need say any more about this, in view of the assurance we had from the hon. Mover that it is intended that these Defence Regulations shall all fade out within a year from now. But I would like an assurance from the hon. Mover, when he replies, that the Government is keeping an eye on such matters and does not intend to indulge in this kind of legislation more than it can help in the future.

Sir, I beg to support.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, with regard to the point raised by the hon. and learned Specially Elected Member, I most gladly give him the assurance that we will keep an eye on this legislation. I had, in fact, I hoped, made it clear that we intended that all defence regulations should die with the exception of these two, and that these two should die on the 31st July of next year.

Mr. Speaker, if we were what we are now represented to be—a governmental, dictatorial steamroller, then, Sir, we should not be introducing Bills like this, because we would enact immediately our maize legislation without discussing it with anyone, we would steamroller it through. Of course, Sir, it is not the intention nor indeed the practice of the Government to do such a thing, and it is because it is necessary to take time and discuss and consult all interests that we want to keep the existing regulations in force for a very short time longer—till 31st July, next year.

Mr. Speaker, I do give the assurance that the Government will keep an eye on this legislation and see that we do not introduce any fresh defence regulations and that we do not carry these two on any longer than this. Of course, if we require to do so, under this Bill, we should have to come back to the legislature.

Mr. Speaker, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole House tomorrow.

The Essential Services (Arbitration) (Amendment) Bill

Order for Second Reading read.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Essential Services (Arbitration) (Amendment) Bill, 1958, be now read a Second Time.

Mr. Speaker, Sir, this measure which is now before the House is to a very large extent an agreed measure. It is a measure affecting industrial relations in this country and both the Labour Advisory Board, the Association of Commercial and Industrial Employers, the Kenya Federation of Labour and the heads of certain High Commission services—including the Railways and Harbours Administration and the Posts and Telecommunications Administration, which are affected—are agreed that the proposals incorporated in this Bill are desirable.

The object of the Bill is to remove from the Schedule to Ordinance No. 4 of 1950 certain services which were added to that Schedule after the Ordinance was initially adopted by this House. The reason why we have to proceed in this case by ordinance is that the original legislation gave the Governor power to add services to the Schedule but did not give him any power to subtract services from the Schedule. We propose incidentally in this legislation to remedy that defect and introduce a new procedure for adding or subtracting, but this measure now comes before the House on the proposal that certain services should be removed from the Schedule.

It might be for the convenience of the House, if at the outset I state which services are to be removed: The services being removed are public transport services by road, public transport services provided by the East African Railways and Harbours Administration, port and docks services, including stevedoring and lightering, loading and unloading of cargo from or on to any ship and despatch of any cargo to destination, and the supply and distribution of food, fuel, petrol, oil, power and light and production and distribution of milk. Certain modifications to three other services occur in that telecommunications, posts and telegraphs are now to be reduced.

[The Minister for Education, Labour and Lands]
to civil aviation telecommunications services; air transport is to be reduced to air traffic control services and the meteorological services of the East African Meteorological Department; the fire services of the Government and of public local authorities in the Colony are to be modified to include the fire services of the East African Railways and Harbours Administration. It is the removal and modification of these services which this Bill sets out to achieve.

The original purpose of including such services in the Schedule to the Ordinance was to attempt to ensure that services deemed essential to the life of the community were carried on in times of industrial unrest. I should like to make it clear that it is still the intention of the Government to see that services essential to the life of the community are carried on in times of industrial unrest. But we have reached the conclusion that the scheduling of these particular services to this particular Ordinance is not the best way to do it. We have reached that conclusion after almost eight years' experience of the working of this Ordinance and I would like to illustrate a little later in my speech some of the defects which have been found in it.

First of all, however, I would like to make it clear to the House that so long as these services remain in the Schedule to this Ordinance it does not necessarily mean that people will stay at work in these essential services. What it does mean is that if workers in such a service feel that they want to go on strike—for any purpose, for an industrial purpose or for a less legitimate purpose—they are illegally on strike if they do so without following the procedure laid down in the Ordinance.

Under this procedure they are bound to notify the Labour Commissioner that a dispute exists in the enterprise in which they are engaged. Thereafter, a period of 21 days may elapse, during which officers of the Labour Department use their good offices to attempt to effect conciliation in such a dispute. At the expiry of that period of 21 days, it may be continued for a further period by the Minister if he thinks that conciliation over

a longer period has a good opportunity of success. If, however, he does not extend the period then he is faced with two choices. The first choice is to direct that this dispute be taken to arbitration. If he does that, the dispute must go to arbitration, and the award of the arbitrator is legally binding on both parties, both the employers and the employees, and is not variable for a period of at least six months.

If the Minister were to consider that the matter at issue in the dispute was not one susceptible of arbitration—for example, disputes over demarcation of jobs between different workers in an industry—then he would declare that he did not consider it right that the dispute should go to arbitration. Once he has made that declaration, it is then legal for the workers in that particular industry, if they still so think that it will further their interests, to go on strike.

That is the effect of having these services scheduled to this Ordinance. But what happens if you have people who are not law-abiding, who do not intend to observe the provisions of this Ordinance? Then they are illegally on strike if they withdraw their labour without going through the procedure laid down. Under the Ordinance, anyone inciting such persons to strike illegally could be prosecuted and, if found guilty, could be sentenced to a fine of Sh. 5,000 or one year's imprisonment or both. A striker who in these circumstances was withholding his labour illegally could also be prosecuted and, on conviction, would be liable to a fine of Sh. 400 or one month's imprisonment or both.

So if you have a situation in which a group of workers in such an essential service were determined to go on strike and defy the law, they would simply be arrested, charged and perhaps imprisoned, which would not in itself maintain the service in being with their labour.

Could I illustrate some of the difficulties which the scheduling of such a service creates by reference to the dock labour industry? Although the dock labour industry has been scheduled as an essential service under this Ordinance, our experience has been that we have had strikes at Mombasa. We have had considerable delays, periods when goods

[The Minister for Education, Labour and Lands]
moving in and out of the port were not moving as they should and when special measures had to be taken by Government. But in a sense, in my view, some of these strikes were due, as much as anything, to the fact that dock labour was scheduled as an essential service. If there was a small band of discontented workers in the dock industry and they came along to their trade union leader and said: "We are going to go on strike", the trade union was faced really with two alternatives. Either the trade union leaders could say to them: "No, you mustn't go on strike because you will be acting illegally". That is what responsible, effective and well-organized trade union leadership would do, but I doubt if we could claim that we had trade union leadership with all those qualities in the docks at Mombasa.

On the other hand, the trade union could say, "Well, if you go on strike we are not going to have anything to do with it, because it would then be an illegal strike and we would then be liable ourselves to penalties under the law. Therefore, we will simply deny all responsibility for this strike and if the employers approach us and say, 'Why are you breaking your agreement with us, which we made only, say, two months ago on hours of work and methods of labour?' we will simply say, 'Well, we're frightfully sorry but this is none of our business. It is an unofficial strike and we have no control over these people'".

If, however, the industry were not scheduled, then there would be much more likelihood that discontent amongst certain sections of the workers brought to the notice of the trade union leaders would be officially taken up by them with perhaps the threat of strike action. Trade union leaders would not then be laying themselves open to any particular penalties under this law, but it would mean that at least the employer had some organized representatives of the workers to deal with. It is the opinion of my Ministry and of the Government that it will be much easier to cultivate sound industrial relations when we have some of these services—those which it is now proposed to remove—removed from the Schedule to this Ordinance.

It would be quite legitimate for Members of this House to ask, "Well, what alternative safeguards do you propose? If the safeguard of scheduling the dock industry has not prevented strikes and dislocation in that industry, how do you propose to maintain this service which is essential to the life of this country?" Sir, I can illustrate that by the most recent happenings at Mombasa. When we had a strike that was not capable of solution by normal means and perishable goods were not being moved properly through the port, we put in prison labour; and we are prepared to do that again in similar circumstances. Similarly, if road transport services were seriously interrupted and it was not possible for essential goods to be moved or essential people to be moved, then we could call on the military forces or some other source of transport and organize essential transport for the community. The logical question, of course, which arises thereafter is if there is no point in keeping these services on the Schedule, why do you keep any Schedule at all? If this House approves this Bill, there will be left on the Schedule to the Ordinance the following: water services, electricity services, health services, hospital services, sanitary services, air traffic control services, civil aviation telecommunication services, meteorological services of the East African Meteorological Department, the fire services of the Government, of the East African Railways and Harbours Administration and of local authorities, and transport services necessary to the operation of any of the above-mentioned services. As an example of that last category, I should say in connexion with hospital services, ambulance drivers would be included.

Now these services all have one characteristic, I would not say they were more essential to the continuing life of the country than the other services, but they are definitely essential to the life and health of individual citizens which the broader services which it is now proposed to withdraw cannot in the same degree be said to be. Most of these services are small services employing limited numbers of staff. They are also services in which a high degree of public responsibility is encouraged by employers. People employed in hospital service feel much more

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naturally that they cannot so lightly withdraw their labour as people, say, who are working as bus drivers or stevedores. It would be our intention to encourage within these services joint consultation machinery on the Whitley Council model which would ensure close and continuing consultation between employers and the small groups of workers engaged, to make sure that their terms and conditions of service are such that any interruptions of these vital services will not take place. It is therefore useful that they should be maintained under the scheme, the procedure laid down in this Ordinance, the essential element of which is that at the end of that procedure compulsory arbitration lies.

For the other services, compulsory arbitration is not so satisfactory a procedure. It has been found in large-scale undertakings, such as the railways or port workers, that people could very readily think of going on strike or declaring an industrial dispute if they knew that they could force the employer to go to arbitration at the end by simply standing pat, insisting on their demands. In such cases it is not necessarily in the best interests of the industry or industrial relations that an employer should be forced into an arbitration position, and the Government considers that that will be another advantage that will flow from the removal of these services from the Schedule to this Ordinance.

Sir, I beg to move that this Bill be now read a Second Time.

MR. ROGERS: I beg to second this Bill, Sir, and in doing so, I would like not only to speak from the employer's point of view, but also from the employee's point of view.

Now that may seem rather strange, because I am an employer, and yet I feel it should not be, for with a healthy employment field, a contented employee is quite as necessary as a contented employer. And it gladdens my heart also to speak from the employee's point of view because I always feel that if I was an employee instead of an employer, I would myself be a very ardent trade unionist. This is perhaps one of the few opportunities I will ever get to speak

from the point of view of a trade union. I must, however, Sir, make it quite clear that when I am speaking of employees, I am speaking of somebody who is fair-minded, reasonable and responsible, for I feel there is no room in the future of Kenya for employees who are not those things, nor indeed is there any room in Kenya for employers who have not those qualities.

I am sure there will be on both sides, but like everything else, these things must be built up and developed, and the only way to build them up and develop them is, I think, to free them from as much restraint as we possibly can.

Now, every country in the world, particularly a country in the developing stage like Kenya, every country finds it necessary to have some sort of Government control, employer-employed. But I feel that the services and employment fields set out in this Bill are quite ample, with the proviso that they can be increased should a situation arise which warrants it. I feel therefore that the public is amply protected. I feel that in the interests of development of healthy, industrial relations, the fewer the number of fields of employment which are subject to any Government control, the better. We in Kenya must, I think, build up a satisfactory friendly labour relations with our labour force on one side—and may I remind the House, Sir, that in every country in the world, its labour force is one of its most priceless assets, with the labour force on the one side and the employers on the other. And if large proportions of these fields are subject to the Essential Industries Ordinance, it will, I think, prove a great hindrance to us. Firstly, they cannot remain in that position for ever, and the longer they remain, the more difficult it will be to build up good industrial relations and the more divided they will become.

I think that on the employee's side, he will be less than human if he is not tempted to make frivolous and even ridiculous demands when he knows the employer cannot give a definite, flat "no"; he knows the employer can be forced to arbitration. In this way, I am afraid that mutual confidence—employer-employed—will never be built up.

Now, as regards arbitration, the arbitrators we have used in this country

[Mr. Rogers] have rendered it the most distinguished service. But I am afraid the number of men who have sufficient knowledge and experience for this work is very limited, and if they are used too much, I am afraid it is inevitable that they will lose the confidence of one side or the other. Furthermore, let us face it, in every country in the world—there are, of course, notable exceptions—but the temptation to play safe on the part of the arbitrators is very great, the temptation to make some concession whether there is justification or not. At the very least, it is, I suggest, a grave disadvantage to hand over disputes to an arbitrator who does and must know nothing of the circumstances until he hears of it in evidence. He does not know the terms of employment, the background—the history—of the employment field; he can and must be quite cold and disinterested. How much better, I suggest, is it for an employer who knows his own people to deal direct with them, for he should be and I think in most cases is on the most friendly terms and has close bonds of mutual respect and confidence with his work people. I feel that the widely embracing Ordinance we are now asked to change was highly necessary and served Kenya in the past; but I suggest that the time has come to change it, and change it in the terms of this Bill.

I beg to second.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole House tomorrow.

—The Fencing Bill

Order for Second Reading read.

MR. SWYNNERTON: Mr. Speaker, Sir, I beg to move that the Fencing Bill, 1958, be read a Second Time.

I think we should take note of the year of this Fencing Bill because there has been a Fencing Bill on the stocks for 50 years. You, Sir, are very well aware of the history of the Fencing Bill, but some Members of this House may not be so well aware as you, and I will very briefly go through the history of that Bill because it gives the reasons why,

in fact, the Bill has not been applied during those many years.

In 1949, Sir, you produced a Paper called "The Fencing Ordinances" which covered the history of the old Fencing Bills and Ordinances. The first Ordinance to provide for the fencing of farms was introduced in 1907, over 40 years ago; namely the Diseases of Animals (Fencing) Ordinance, 1907. This Ordinance was never operative and was repealed by Ordinance No. 4 of 1924. In May, 1928, Lord Delamere proposed a Motion in the House which read as follows: "That in view of the necessity of combating and ultimately controlling East Coast Fever, this Council believes that it is essential that effective dipping and fencing laws should be applied to such areas as elect to come within the operation of the Ordinance".

Complete agreement existed at that time between Government and the Unofficial Members of Legislative Council based on the fact that the future of almost all successful farming in Kenya depended upon the elimination of cattle diseases. In the following year, the then Director of Agriculture, Mr. Alec Holmes, introduced two Bills, the Fencing Bill and the Cattle Cleansing Bill. He said that those two Bills, together with the Land and Agriculture Bank Ordinance were complementary and supplementary to each other; in other words, there could not be sound, agricultural development in the country without finance, without the maintenance of the health of livestock and without the control of livestock moving across dirty country.

The Ordinance that was introduced in 1928, subject to select committees, was approved by the House in 1929. For some years, neither the Fencing Ordinance nor the Cattle Cleansing Ordinance was brought into force, the main reason being the large scale expenditure that would have devolved on Government. The Cattle Cleansing Ordinance, however, finally was applied in 1937, and with some amendments, has been in operation ever since.

At that stage, the war broke out and nothing was done until the end of the war when certain bodies pressed again for the introduction of a Fencing Ordinance which could be applied to the farming areas, even if Government was not

[Mr. Swynnerton] prepared to participate in regard to the financial aspects. The Joint Agricultural and Veterinary Services Sub-Committee of the Development Committee pressed for its introduction in 1945 as did the Agricultural Production and Settlement Board and also the then Director of Agriculture, Mr. Blunt. A committee was appointed in 1946 which again went very thoroughly through the old Fencing Ordinances and made further recommendations for a new Ordinance.

In 1947, the Fifth Annual Conference of Chairmen of District Production Committees and Sub-Committees urged Government to expedite the application of the Fencing Ordinance and some speakers urged Government that, if it would not participate itself, it should at least allow it to be applied as between one agricultural holding and another. The main reason why Government itself has not been able to participate in this Ordinance has been the very high cost that would devolve on Government for taking its share of fencing roads, railways, boundaries of African land units, National Parks, Forest Reserves and so on. In 1949 it was estimated that this commitment would be of the order of £505,000. Today it would probably be nearer £1,000,000. At that time it was estimated that the recurrent cost annually would be about £35,000 in the maintenance of fences. So there we had the Fencing Ordinance, 1929, stuck like a ship about to be launched, all built, the bottle of champagne cracked over the bows, only to be found that Government had not been able to grease the slipway.

So the Fencing Bill which is before the House now has been drawn up to apply as between one agricultural owner or occupier of land and another in the Highlands, and to such other areas within the Scheduled Areas as the Minister, after consultation with the Board (Scheduled Areas) may from time to time, by notice in the Gazette, declare to be areas to which the Ordinance shall apply. The important thing about the Ordinance—one of the important things about the Ordinance—is the exclusions from it. Three of those are listed at the end of section 1, and I am going to give notice of adding two further exceptions

to those already down there. The Bill does not apply firstly to boundaries between an agricultural holding and unalienated Crown Land, or boundaries within unalienated Crown Land. That is the first proviso in clause 1 (ii); secondly, boundaries between an agricultural holding and that occupied by the Crown, or boundaries within land occupied by the Crown; thirdly, boundaries between an agricultural holding and a forest area, or boundaries within a forest area; fourthly, boundaries between an agricultural holding and a public road or reserve. There is an exception where a public road is put through a farm after fencing. I will refer to that in a moment; fifthly, boundaries between an agricultural holding and railway land; sixthly, boundaries between an agricultural holding and any National Park or National Reserve, or boundaries within any National Park or National Reserve, if such contingency should arise. That is the subject of the first amendment which I will move in the Committee stage, being clause 1 sub-section 2 proviso (iv)—Royal National Parks and National Reserves as defined in the Royal National Parks of Kenya Ordinance; the next one is boundaries between an agricultural holding and any land outside the Highlands; then any land outside the Highlands unless such land shall be declared a Scheduled Area, and should the Ordinance be applied to it by the Minister after consultation with the Board of Agriculture; next, the boundaries between an agricultural holding and any native reserve, temporary reserve, native leasehold areas, native settlement areas, native land unit, or any land reserved for special purposes under Part VI of the Crown Lands Ordinance, where such areas lie within the Highlands. Broadly defined, the boundaries within such areas will be covered by the second amendment which I will propose in the Committee stage, being section 1 (2) proviso (v): native reserves, temporary native reserves, native settlement areas, native leasehold areas and communal reserves as defined in Part VI of the Crown Lands Ordinance, and any area in respect of which an occupation permit granted to an African tribe under section 69 of that Ordinance is currently valid.

[Mr. Swynnerton]

I mentioned that if new roads were put into an area subject to the Fencing Bill there would be provision for fencing such roads. When a County Council drives a road through a farm which has already been fenced under this Bill or otherwise, the position is covered by section 111B (i) (b) of the Crown Lands Ordinance, Cap. 155, amended by Ordinance 21 of 1953. This reads as follows: "Where any land is entered and resumed for the purpose of constructing or re-aligning any public road, if such land is at the date of notice of such entry and resumption completely enclosed by a fence, or so enclosed except for that portion which abuts on the land reserved for such entry and resumption, the Road Authority shall, on the request of the owner or occupier of such land, erect a fence on each side of that portion of such public road which traverses or abuts on such land or part thereof, together with such gates, stiles or other devices that may be necessary to give reasonable access to such land. The cost of erecting any such fences, gates, stiles or other devices as aforesaid shall be borne by the Road Authority, but the cost of the repairs shall be borne by the owner or occupier of the land."

Well that, Sir, is a formidable list of exceptions but, as I say, it is justified by the fact that it would cost Government no mean sum of money, perhaps of the order of £1,000,000 to implement its own part in a Fencing Ordinance were it to become committed to it.

The Minister of Agriculture, on the advice of the Board of Agriculture and the Kenya National Farmers Union therefore decided to go ahead with an Ordinance which would provide for the fencing of land in the Highlands as between agricultural owners and occupiers of land. The rest of the Ordinance therefore is fairly straightforward. Clauses 3 and 4 describe the procedure whereby one occupier can give another notice to fence and the way in which objections can be lodged. In the Schedule to the Ordinance there is given a form of notice in which also are to be stated the specifications of any fence to be agreed. But, in addition to that, in section 24, the Minister has powers to make rules to lay down the specifications

of fences, having first consulted the Board of Agriculture. Clause 5 provides that where parties are unable to reach agreement they can refer their dispute to an Agricultural Committee, and that Agricultural Committee shall appoint a sub-committee of three of its members to adjudicate the dispute. Where the border is between the areas of two Agricultural Committees, each of those Agricultural Committees may appoint three members to the adjudication committee in order to determine the dispute, and the judgment can be signed by one or other of the Chairmen of the Agricultural Committees. If the person concerned objects to that adjudication they can appeal to a first class magistrate who will sit with his assessors and whose decision in the matter will be final. Clause 7 (1) lays down that the dividing fence should be erected by the occupier who served the original notice unless any mutual agreement to the contrary can be made, and describes how the cost shall be apportioned. However, the original occupier who wished to have the fence put up may, in some cases, not comply with the agreement or may be dilatory in doing so, so that clause 7 (2) provides that, if one party fails to commence to erect a fence as agreed upon the other party may proceed with the erection of the fence and recover the proportionate cost from the first party. Clause 14 makes it clear that when the farm changes hands the succeeding occupier must take over the obligations of his predecessor. Clause 8 lays down the provisions which shall apply when a dividing fence is erected after the date of the commencement of the Ordinance, and where the adjoining holding was at the date of the erection exempted from the provisions of the Ordinance.

It also covers the procedure whereby the person who erected the fence may claim from the adjoining occupier a proportionate share of the value of the fence and requires him to share the maintenance. Disputes in these matters are dealt with as I have just described. Clause 9 lays down the procedure to be followed regarding the repair of fences and the apportionment of the cost of such fences whether or not they were erected before the coming into effect of the Ordinance. Clause 11 states that if it is necessary to clear bush from

[Mr. Swynnerton] either side of the fence the cost shall be part of the cost of erecting the fence, but this clause safeguards unnecessary destruction of trees or bushes planted for ornamental purposes or for windbreaks. This clause 11 provides for the Minister to prohibit the indiscriminate cutting down of trees or bushes if he considers it is necessary; that is: "Provided that nothing in this section shall entitle any person to fell, lop or uproot any fruit tree or other tree declared by the Minister by notice in the Gazette to be a tree. . . ." That would apply to coffee, for instance. Coffee is not mentioned specifically in this Ordinance, but should a fence go through a coffee estate it could limit the operation of cutting down coffee trees to a distance of 30 feet on either side of the fence. Clause 12 provides for a give-and-take line in cases where it is not possible to fence along the actual boundary, and lays down that disputes will be dealt with in the same manner as I have already described.

The rest of the Ordinance, I think, Mr. Speaker, is straight forward. Section 15 provides for the right of the occupier of land to claim reimbursement from the owner of the land, and clause 16 provides for the lessor to intervene in any civil proceedings that may be taken under the Ordinance. Clauses 20 and 21 provide for damage to fences, requiring people to report damage, and lay down security for the repair of such damage, and also provide for dealing with people who fail to give notice that they have damaged fences. Clause 22 requires people to open and shut gates and anyone who leaves a gate open without lawful excuse is subject to penalties. It is necessary, however, for the person who left it open without lawful excuse to justify his actions. It is a matter for which I think the legal people have a Latin word. He can claim it was an accident if he leaves it open unintentionally.

That, Mr. Speaker, I think, covers all the main clauses of the Fencing Bill and I beg to move that the Fencing Bill be read a second time.

MR. SLADE: Mr. Speaker, Sir, I suppose the most important aspect of this Bill is the way in which it has

changed from the Fencing Ordinance of 1929 by now exempting the Crown and other public authorities from liability to contribute to fences. The reasons given by the hon. Member, Sir, I think are in general unanswerable. That is to say we cannot afford to see the Government involved in the expenditure of £1,000,000, simply because law. But I would suggest that the exemption has gone rather too far. The justification for the exemption as I see it, apart from the cost is that it is usually the farmer who needs the fence, and in most of these unalienated Crown lands and so on which are exempted from obligation to contribute the Crown is not very much interested whether there is a fence or not. Surely, Sir, in cases where the Crown is occupying land as a farmer, then the Crown is just as interested in having that fence as the neighbouring farmer is, and derives just as much benefit from it, and should be on exactly the same footing as the farmer. Otherwise you get the position that the farmer has to put up a fence entirely at his own cost for his own benefit, and the Crown gets the advantage of it for nothing, whereas no other neighbour could do that. I would ask the Government to reconsider that particular exemption of proviso (i) in clause 1, which excludes land occupied by the Crown, at any rate land occupied by the Crown for farming purposes.

Sir, for the rest I am very glad to see this legislation, come into force at last, and the only comments I have to make are in matters of detail. They are quite important matters of detail, I think, Sir, because this law is going to affect so many people. The first point that occurs to me is in clause 3 where it is provided that an occupier desiring to have a fence erected may serve a notice on his neighbour and set machinery in motion. The form of notice that he has to give is prescribed by the Schedule and simply says, "Take notice that I desire to have a fence erected along the boundary line". Sir, "fence" is defined by the Ordinance, in very, very wide terms by clause 2, as meaning any fence, hedge, wall and so on, and so the neighbour who receives that notice will not know whether the man who wants the fence is proposing to put up a post and wire fence, or a hedge or a wall or what. What is he

[Mr. Slade] being asked to contribute to? Even if he knew that it was a post and wire fence he still wants to know whether it is to be a post of such and such a kind and at such and such a spacing, and how many strands of wire. He must know that when he is asked whether or not he agrees to it. I see, Sir, that there is power under clause 24 for the Minister to make rules as to the type of fence to be erected in any area for any particular purpose, but I do not think that quite covers it, because pending making those rules anyhow the notice will be too vague. I would suggest, Sir, that that could be covered by a suitable amendment of the Schedule requiring the notice to specify the kind of fence proposed in some detail. Then, Sir, coming to clause 6 and the provision for appeals, I see that either party to a dispute decided by the Agricultural Committee may appeal to a subordinate court of the first class whose determination thereon shall be final, but we are up against the trouble here, Mr. Speaker, which we have met before in other Ordinances. We are not told on what grounds the appeal can be made and to what extent the appellate court has a free hand in re-hearing the case on its merits. It is a question that often troubles us in legislation of this kind. Is the magistrate who hears the appeal really to consider the case all over again on its merits without regard to any views expressed by the Agricultural Committee, or is he to be limited to cases in which he thinks that the Agricultural Committee, in the light of the evidence they have before them, had no possible reason whatsoever to decide as they did, and is he limited to deciding on his part that the Committee was utterly unreasonable? Those are two very different things, Sir. In some other Ordinances, notably in this connexion, the Agricultural Ordinance, that has been carefully worked out for the Agricultural Appeals Tribunal; the extent of their jurisdiction to hear appeals, and the grounds upon which appeals can be made to them. I would suggest that those same grounds should be specified in this clause. I go further, Sir, and suggest for consideration that the appropriate appellate body for this clause might well be the Agricultural Appeals Tribunal rather than the

magistrate, because we have got there an Appeals Tribunal specially set up to deal with agricultural matters, and with appeals from Ministers and agricultural committees and so on. I should have thought this case was exactly parallel. Incidentally, Sir, the hon. Member told us that the magistrate will sit with assessors, but I cannot see the provision for that in this clause. If it is not to be an appeal to the Agricultural Appeals Tribunal then I agree it is desirable the magistrate should have the advice of assessors, because it is very much a matter of farming experience.

Sir, coming now to clause 7 (3) which provides for the occupier recovering from his neighbour a share of the cost of the fencing, there is a provision that he shall be entitled to recover summarily as a civil debt. I should be grateful if an hon. and learned Member opposite would tell us the exact implication of that word "summarily". It might have an effect different from what is intended by the Ordinance. No doubt it is intended to make the debt recoverable more quickly. I think I am right in saying that if it has the effect of bringing the claim under the Civil Debts Summary Procedure Ordinance, it deprives the successful creditor of quite a number of remedies for the enforcement of the judgment he obtains. In clause 8, Sir, it seems to me there is a little bit of a contradiction in that when a man comes to a farm which has a fence on it already, or if there has been a fence on the boundary between his farm and his neighbour's, and subsequently this Ordinance is applied, then at that point the owner who put up the fence is empowered by this clause to recover from his neighbour a proper proportion of the cost of putting it up. Well, it occurs to me at once, on reading that, that what he should recover is a proper proportion of the value of the fence as at that date—not the original cost because it might be well on its way to its decay. There is an attempt to meet that by saying in sub-clause (2) that in determining what is a proper proportion of cost within the meaning of this section regard shall be had to (c) the age and probable life of the fence erected. What I want to suggest, Sir, is that the probable life of the fence erected is not relevant to the proper proportion of the original cost; it is relevant to what the neighbour should

[Mr. Slade]

pay a proper proportion of. It is relevant to the value. It should be related to the then value which the neighbour is required to pay a proportion of. Sir, this question of appeals to which I have already referred arises again under clause 8 (3) and clause 12 (2). A point that occurs to me, Sir, under clause 18—I think it may be of some importance, I am afraid it may be: "No occupier of a holding shall be liable in damages for any injury caused to any person or property by such person or property coming in contact with any fence, unless such injury shall have been occasioned by the negligence of the occupier in erecting, altering, maintaining or repairing the fence." What I have in mind, Sir, is that it is possible for malice to come into the picture. I would suggest that the clause should cover that alternative, that is to say, "unless the injury shall have been occasioned by the malice or negligence of the occupier concerned".

The last point that worried me, Sir, though I think the hon. Member has probably answered it, or the hon. and learned Member opposite is going to answer it, was in clause 22 where we have this rather sweeping provision against leaving gates open. I am very glad to see it in the law, and if it is going to be an offence to leave gates open I certainly upon occasion may resort to it against my own employees sometimes; but I wonder whether, if on my own farm, negligently or on purpose, I leave a gate open between two fields, I will be liable to be prosecuted and shall then have to present as my lawful excuse that I just wanted to do it. It might make the clause look a little more sensible, Sir, if there was a further exception to the effect that any person without lawful excuse and without—perhaps it should be "or"—without the authority of all the owners concerned. If the owner authorizes the gates to be left open then there should not be any question of lawful excuse otherwise being required, Sir. Subject to those two comments I beg to support.

LT.-COL. MCKENZIE: Mr. Speaker, Sir, in supporting the Motion there are one or two points I would like to raise. The first one is under 1 (2) (i) occupation of the Crown, here, Sir, I would like to joint with my hon. and learned friend and colleague who has

just spoken. What I had in mind was would agricultural experimental stations be taken as Crown land, because, in fact, they are operated as farms and do carry scheduled crops? What about semi-Government, semi-Crown organizations, such as the Settlement Board, the Kenya Meat Commission, Plant Breeding, Central Artificial Insemination Stations, Veterinary Research Stations, etc., and Government outspans. Also, Sir, once a native area or a native land unit becomes scheduled do I take it that the boundary between that part of the native area and the Highlands would then also fall under the Ordinance? Also, Sir, what about stock routes which pass through the Highlands area at the moment, many of which at present, though they were originally fenced, have now fallen into disuse? Are stock routes run by the Kenya Meat Commission or the Veterinary Department considered Crown land property although they run through private land? Then, Sir, moving to 1 (2) (iii), what happens with the fencing of water development schemes such as communal pipelines that either have an easement or a service road running with them, bearing in mind that it looks as though some of these schemes are going to be taken over either by Government or by local government? What would happen to the fences either side of these roads? Also what about furrows running through the Highlands that are tied up with some of these large irrigation schemes in native areas? Would Government, in that instance, pay half of the fencing on either side of the occupant which the scheme serves or the canal itself?

Moving to the Schedule, it is obvious to me that the Director of Agriculture, when putting this forward, had in mind just one type of fencing, being either barbed wire strands fencing or plain strand fencing. Sir, with the tremendous increase there is to-day in pigs and sheep, a lot of people are beginning to put up either pig pens or sheep pens, and that brings in wire-netting fencing and square fencing. Also, how do you answer the problem if one farmer—and there are farmers now who are wanting to plant hedges to *maradadi* up their farms—what happens if one farmer wants a hedge and the other farmer wants a wire strand fence? There are

[Lt.-Col. McKenzie]

between many people, Sir, in parts of the planting areas who farm with steel fences. I would like to know how he intends to set about the problem of one man wanting to remain with a ditch and a steel fence, and the other perhaps wanting to fence with a wire fence. Then Sir, under 5 (4), where you have got the farmer wishing to fence, and me having a common boundary with another farmer in another conduction area, it is stated that the three and three shall come from each of the production committees, forming a committee of six. Knowing the difficulties that the production committees have against each other, especially where you have one very productive and progressive area bordering on an area which is perhaps not so progressive, would he be agreeable to insert somewhere a method of getting the Chairman—whether the Chairman would have a vote or not? If he has not got a vote obviously the production committee which had the three members would hold the majority on that committee.

Also, Sir, a number of us have already fenced on the understanding that one-half of the fence is fenced by one farmer and the other half of the fence is fenced by another farmer. Then this new Ordinance comes in dealing with the maintenance side. Previously what was done was that each farmer looked after his own half so far as maintenance went. This runs perfectly satisfactorily until one farm is sold. Then the trouble of maintenance comes up.

Then, lastly, Sir, I would agree with my learned friend who has just sat down that the opening and shutting of gates section ought to be looked at again, because it is obvious that, rather than taking stray people on your farm, you can take them also for not opening and shutting the gates properly. I do not think that that was intended.

I have one last point. Under the local government, Sir, where the local government road ends you still have roads which are operated by a group of three or four farmers and which run through private farms. They are not really private roads because they are there for the use of the public visiting the farm. I would like to know how the Ordinance copes with those people wanting to farm on either side of those roads, and also so far as

gates being put across boundaries instead of grids are concerned.

With those reservations, Sir, I would support.

MAJOR DAY: Mr. Speaker, I would like to welcome this Bill and in doing so I would like to discuss one or two points with particular reference to the ranching area because, when all is said and done, they are people who are going to have to produce most of these fences. They have a great interest in this; and we have heard how long it has taken for this to come to finalization.

Now, Sir, parallel with this there is another problem that has not yet reached any degree of finalization and is in fact at the moment probably in one district in particular slightly worse. I am referring here, Sir, to this question of stock fences. We are told to fence and obviously it is a good thing to fence. But, Sir, there has been no progressive diminution in this eternal question of controlling stock fences.

I know, Sir, that penalties exist and a rancher or a farmer who loses his cattle may under circumstances receive compensation. But I put it to the House, Sir, that this compensation is only reached as a rule after incredible frustrations, delays, expense for the farmer, and, above all, expense for the administration, because it is an extremely costly business. I will not go into all the details of it, but it involves tracing tracks, and so on, and what with one thing and another I put it now, Sir, that the time has come when this ridiculous pastime, which is considered to be a form of sport by some people in the African tribes in this country, should be stopped first.

Just developing from that for a moment, Sir, I would say that possibly a slight increase that has taken place in the last few months may have resulted from the behaviour recently in this House of the Elected representatives of the Africans. Now, Sir, I do not wish to go into details, and I do not wish to go off my subject, but this cannot but have an effect on the attitude of the mass of the simple people in this country towards law and order. I would therefore beg the Government to consider carefully, very carefully, the question of control and the suppression, rather, I would say, of stock theft because, not only will money be

(Major Day) saved from the point of view of the country but it will reduce one of the frustrations of the farmer.

Sir, I beg to support.

MR. MAXWELL: Mr. Speaker, Sir, I too, welcome this Bill; but I am somewhat concerned to learn that it is the intention to bring in an amendment exempting the sharing of the cost of a common fence between a farm in the Highlands or in the scheduled areas and an African reserve. I agree it is not possible to claim for any one individual African farmer in a non-scheduled area, but surely it is a charge which might be borne, say, by an African district council.

For instance, in the area I represent, Trans Nzoia, there is quite a stretch of country on the northern boundary between Trans Nzoia and the Suk country, and for the very reason that the Director of Agriculture mentioned, the control of East Coast fever, foot-and-mouth disease, rinderpest, etc., fencing is necessary; I feel that this is a burden, the individual farmer should not be called upon to bear entirely.

I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I will leave the main points which hon. Members have raised in the competent hands of my friend the Director of Agriculture. I only wanted to deal, however, with a particular point which was raised by the hon. Member for Trans Nzoia as between a scheduled area and an African land unit.

Now, Sir, the point which he made is, to a certain extent a valid point and we have met it as follows. Where possible the African district council makes a contribution. Unfortunately, however, many of the African district councils, where fencing is necessary, are poor district councils by reason of the ecology of the country; and we have an arrangement often that where the farmer contributes half of the cost of the fence then the African district council helps the Government in the cost by the provision of labour and, where pertinent, materials. Where this is not possible, Sir, if the hon. Member will look in the Development Estimates he will see that there is a pro-

vision of a certain sum of money which is either £5,000 or £10,000 specifically for the fencing of boundaries in the cases which he has mentioned. That was put in, because of the very legitimate reasons which he has advanced to this Council. I am hopeful therefore that even although we have exempted the compilation under this Bill we can, where great poverty exists, meet the difficulties of fences on those sort of lines by drawing on the development funds which have been provided for that purpose. I think together with the appreciation of many African district councils of the necessity for a contribution in the form of either labour or materials, or both, we can largely meet the hon. Member's point there.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I would like to support the points which have been put forward by the previous speakers on this side of the House. There is one further point which I would like to clear my mind on and that is the situation where a public authority cuts a new road through a farm. I believe that particular point is covered under the Crown Lands Ordinance and I would like to have some assurance that there will be no change in the situation as a result of the proposed legislation.

Subject to those remarks, Mr. Speaker, I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, having been concerned in this matter for some 30 years, in fact I was concerned with the 1928 Bill, and having been thoroughly convinced that this was one of the main things which foster the stock industry of this country, I naturally welcome very much this Bill. I would like to take this opportunity of congratulating on the one hand the K.N.F.U. and the Board of Agriculture and, on the other, the Minister and the Director for having at last arrived at a satisfactory agreement whereby although the Government cannot finance what it might wish to do in the way of fencing all its areas, yet they have arrived at a solution. I believe that that would have a very beneficial effect on the stock industry of this country.

Mr. Webb: Mr. Speaker, my hon. and learned friend the Specially Elected

(Mr. Webb) Member, Mr. Slade, raised certain minor legal points and I think I am right in interpreting the wish of my hon. friend the Minister in dealing with one of them—that is to say, the question of appeals—by saying that he is prepared to accept that appeals should not go to a first class magistrate but to the Appeals Tribunal constituted under the Agriculture Ordinance, 1955. He did this, I think I am right in saying, in the Dairy Industry Bill and it seems right to follow that precedent in this case.

He raised two other small points, Sir, and they were the question of malice in clause 18 and of some reason other than a vague lawful excuse for leaving a gate open. I think that both of those are good points and we will look into them and make an appropriate amendment.

My hon. and gallant friend the Specially Elected Member, Colonel Bruce McKenzie, spoke about semi-Government organizations. There is no such thing really as a matter of law, Sir. It is quite easy for us to say whether any particular organization is, or is not, a part of the Government. If it is, it will be outside the scope of this law technically, although it may in fact comply with its obligations, and if it is not a Government organization, it will be within the scope of the Ordinance; and I think that the position about those organizations will in practice be perfectly clear.

MR. SWYNNERTON: Mr. Speaker, Sir, there are just a few points to reply to.

The hon. Specially Elected Member Mr. Slade raised the question of Government funds. While there is no provision made for that in this Ordinance the Government does its best to set a good example in farming, and in general the Government farms are fenced, or should be. So that as far as that is concerned it will normally be undertaken as part of the Government policy for the management of its farms and for the improvement of the farming of that land. That will apply to such places as the Agricultural Department farms at Njoro, Eldoret, Kitale and so on. But it will have that specific application.

I believe that the hon. Specially Elected Member Col. Bruce McKenzie also raised the question of the Plant Breeding

Station. Of course, that comes in the same category. The European Agricultural Settlement Board farms are another matter. But that part of the enquiry has been answered by my hon. friend the Acting Solicitor-General.

The type of fence, as again the Specially Elected Member Col. Bruce McKenzie said, is not specified but it will normally be a post and wire fence with droppers; but the definition of fence in the second clause covers a very much wider range of types of fencing. That is a matter which will have to be agreed as between the farmers concerned until such time as the Minister may introduce rules providing for that. But, as Col. McKenzie said, different types of fencing may be required within a single area for different types of farming—for example, for sheep or pigs, or for farmers who may want to drain their land. That will have to be mutually agreed, and if it cannot be agreed it will be subject to appeal and arbitration by the Agricultural Committee, Sir, until such time as the Minister may make rules. Even in those rules the Minister will have to describe the type of farming to which any particular type of fence is applicable.

Col. McKenzie referred to various other types of areas—irrigation furrows running between scheduled and non-scheduled areas, derelict stock routes, and so on. Those will not be subject to compulsory fencing by the Government. It is customary for the Government, where a stock route is put in and maintained as essential, to fence those stock routes. If that stock route has fallen into disuse there need not necessarily be any obligation on the Government to maintain the stock fencing on that stock route.

I think that Col. McKenzie also raised the question of private roads. Those will come under clause 23. They are roads of access and therefore would not be liable to fencing by Government or by the county council unless it were to be a public road. If it is a road by agreement between a group of farmers to serve that group, then that group will be liable for the fencing of that road. On the other hand if it has been put in by the county council (in answer to the hon. Member for Mount Kenya), I did cover that point in my opening statement; that was that, where a new county council road is opened in an area where fencing

[Mr. Swynnerton] is applied, then it is obligatory on that county council to fence such a road, Sir, after the enactment of this Ordinance—but not in the past.

Two points were raised by the hon. Member for Aberdare and the Member for Trans Nzoia. It would be very highly desirable to fence all these boundaries in African and in European areas. But this Bill has been introduced at the request of the farming community. It has been round and round the farming community for the last two years. The Board of Agriculture has had a sub-committee working on it in the greatest detail. Although it is desirable over the course of the years to try to get as many fences as possible as between the Scheduled Areas and the Non-Scheduled Areas, at the present time, as is indicated in this Ordinance, that is not possible, and in requesting this Ordinance to be brought in, both the Kenya National Farmers' Union and the Board of Agriculture were fully aware of that, and despite that they still asked us to proceed with this Ordinance.

I think that those are the only comments that I have to make. Mr. Speaker, and I therefore beg to move that the Fencing Bill, 1956, be now read a Second Time.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole House tomorrow.

The Methylated Spirits Bill

Order for Second Reading read.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to move that the Methylated Spirits Bill be now read a Second Time.

Mr. Speaker, the objects which this Bill seeks to achieve are to close the loopholes and tighten up the law relating to the sale and possession of methylated spirit and to prevent their use as a beverage.

The Government is aware, Sir, that at present methylated spirits are used for drinking purposes as an alcoholic beverage. The Government is also aware that this is injurious to health and in some cases death results. Profit on a large scale is made by the organizers of

this trade and foolish people encourage such people by consuming this death-dealing drink. One reason, perhaps, for this is that the penalties under the existing law do not act as a sufficient deterrent to dissuade the bootleggers who deal in methylated spirits. It may also be, Sir, that the consumers themselves find that methylated spirits are a potent form of liquor at a comparatively cheap price.

The penalties in this Bill, Sir, are provided under clause 20. It is possible, Sir, that some hon. Members may think that those penalties are very stringent, but I would like to remind them that they are in this case not dealing with ordinary decent, honest citizens—we are dealing with people who try to make money out of the illegal traffic by peddling methylated spirits as a drinking beverage.

I have referred to clause 20, Sir, but perhaps it would be better to deal with the various clauses of the Bill *seriatim*.

Hon. Members will note in clause 1 of the Bill that it shall come into force at the expiration of two months beginning with the date of its publication in the Gazette. Clause 2 of the Bill, Sir, is a definition clause, and there are one or two points here to which I would like to draw the attention of hon. Members. The first is the definition of methylated spirits which requires the spirits to be mixed with a substance to render the mixture unfit and incapable of being readily converted so as to be fit for human consumption as a beverage. This object will be achieved by means of prescribing, as is provided in clause 3 of the Bill, a formula to which all methylated spirits must conform. As is stated in the Memorandum of Objects and Reasons the intention is to ensure, so far as is reasonably practicable, that methylated spirits are prepared in a form which renders them sufficiently unpalatable to prevent their use as a beverage. But of course, Sir, there is no telling what some people will do to reduce themselves into a state of oblivious intoxication. I have been told that some people will even drink brake fluid.

The second point to which I would like to draw the attention of hon. Members in clause 2 is the definition of the expressions "sale by retail" and "sale by

[The Asian Minister without Portfolio] wholesale". It will be noted, Sir, that sale by retail is limited to one gallon to any one person at any one time. At first sight it might appear that a person could go round from one licensed retailer to another and buy more than one gallon of methylated spirits. Under clause 12, Sir, possession of a quantity greater than one gallon without permission from a licensing officer is made an offence. But clause 12 also makes it possible to grant permission for people to be in possession of more than one gallon in legitimate cases—for example, in the case of the farmer or a trader who requires it for his legitimate business purposes. Hon. Members will note that in wholesale transactions the quantity must exceed one gallon. Again, Sir, the provisions of this clause 12, together with the provisions of clauses 4 and 7, I hope will help to ensure that only permitted persons will be able to possess methylated spirits in quantities of more than one gallon.

Going back to clause 4, Sir, it provides for the licensing of sellers of methylated spirits except in certain necessary and specified cases.

Clauses 5, 6 and 7 lay down the procedure for the appointment of licensing officers, and the manner of making and dealing with applications. In addition to providing for the control of stocks, hon. Members will note that clause 7 also enables the Minister to issue special or general directions in regard to the granting of licences. This clause also enables an applicant to appeal to the Minister in cases where the applicant is dissatisfied with the decision of the licensing officer, and the decision of the Minister is made final.

Clause 8 specifies the classes of persons who shall not be granted a licence. Clause 10, Sir, makes further provision for the effective control of stocks held by wholesalers who are required to provide a proper stock room and to keep a proper stock book showing the disposal and the stocks of methylated spirits held by them.

Clauses 13, 14, 15, 16 and 17 are related to the appointment of investigation officers and their powers under the Ordinance. These, Sir, are, in the main,

the clauses of the Bill to which I would like to refer.

Finally, I would like to say, Sir, that I hope the provisions of this Bill, if approved, will succeed in achieving the objects to which I referred in the beginning.

Mr. Speaker, Sir, I beg to move.

MR. WEEN seconded.

Question proposed.

MR. TRAVADI: Mr. Speaker, I have been asked by the Federation of Chambers of Commerce and Industry of Eastern Africa to submit for the consideration of the Minister the following points.

Firstly, Sir, I would refer him to the definitions in clause 2 to "sale by retail" wherein it says: "sale and retail means the sale at any one time to any one person of a quantity not exceeding one gallon." Then, later on, it is laid down that anything beyond one gallon should be "sale by wholesale". Well, Sir, according to the information I have at my disposal there are hardly any such containers containing one gallon, manufactured for sale. The smallest container that the manufacturer has is a four-gallon tin.

Now, Sir, in Nairobi and in other towns there are furniture makers who require spirit for use in their trade and who buy four-gallon tins from hardware merchants to use in making furniture. In turn, Sir, these hardware traders buy in bulk, in a quantity of 40 gallons, in drums, and they in turn sell them in not less than four-gallon tins. The merchants, the grocers, which sell to the retail buyers buy in four-gallon tins and put the methylated spirit in bottles and sell it in one-gallon quantities. So, Sir, if the definition of "retail trade" or "sale by wholesale" is only confined to one gallon of spirit then it appears that the man has to pay more for his wholesale licence; it will increase the cost to the consumers and it will inconvenience the people who actually buy and use it. I therefore submit that the definition of "retail sale" be increased to four gallons and the wholesale sale be beyond four gallons.

The only other thing I would like to touch upon is the penalty clause in section 20 of the Bill. In the old Ordinance, in chapter 301, the maximum penalty

[Mr. Travadi] provided there, I think it is in section 5, is Sh. 500. The Minister, in proposing the Bill, did not show any increase in the seriousness of the crime to justify a penalty that is ten times greater—Sh. 5,000—and, three years' imprisonment if he commits the crime again, Sh. 35,000. This is for a crime committed in the buying or selling of methylated spirits or not entering stocks in books and things like that.

In every crime there are three elements to be considered in determining the measure of punishment. The first, Sir, is the motive behind the commission of the crime. The second is the magnitude of the crime itself. The third is the character of the person who actually commits the crime. Now here, I do not think the Minister who proposed the Second Reading of the Bill has justified in any way the increase of these fines to such high figures as Sh. 5,000 and Sh. 35,000 and also, in lieu thereof, three years' imprisonment.

I would therefore submit these suggestions for the consideration of the Minister when the right time comes in Committee of the whole Council. At the right time, I will propose a small amendment.

With these remarks, I beg to support.

LT.-COL. MCKENZIE: Mr. Speaker, Sir, there is one small point I would like the Minister to answer, if he would, when he replies. It is under clause 6. Who does he envisage will take out licences under that clause? What type of person?

THE MINISTER FOR HOUSING (Mr. Amalemba): Mr. Speaker, Sir, I would like to deal with two points that have been raised by the hon. Mr. Travadi, one of which was the increasing of one gallon to four. He did not see any reason to justify that. I would like to give him the reason, Sir. Drunkenness in the African estates, particularly in Nairobi, from methylated spirits in particular, has been a worry to the police and a menace to the security of the city in general. It often results in death to an African. People get drunk on methylated spirits and die on the spot! I would like to mention an incident at Punwani; a man was passing by the hall, and when he got on to the pavement

he just dropped dead at the entrance. The medical report showed that the death resulted from drinking methylated spirits. There are many other cases of people whom we do not see, but are in the alleys behind shops who are picked up by the police the following morning.

They get drunk on a very small quantity—they call it a "peg". It costs only 50 cents. One shilling's worth gets one drunk very shortly. May I assure the hon. Member that many Africans drink to get drunk; there is no question about that. If he drinks anything that does not get him drunk, then he feels he has wasted his money. Methylated spirit is the cheapest and best drink to do this, and it is with that in mind that I think there should be the strongest care taken in the control of the quantity that can be obtained without a licence.

The other point is that the chap who sells methylated spirit to the African does not sell it in large quantities; it is sold in small quantities in bottles. In trying to stop the transportation of methylated spirits from the legally authorized buyers to the illegal ones, I think one gallon should be sufficient. With regard to the businessmen who have to use methylated spirits in mixing their paints, perhaps, and for furniture and so on there is provision for this, in a permit issued by the district commissioner.

It is the African who is being affected and this Bill will help a great deal if it remains as it is.

I feel that the penalties are too small; Sh. 5,000 should be Sh. 10,000. The greater the penalties, the easier it will be to make the trade effectively feared by those who enjoyed it formerly. I think the man who wants to get a small quantity is provided for; for domestic use, pressure lamps, Optimus stoves and so on, I think the Government has the means of allowing these sort of people to have that small quantity. I would assure the hon. Member that anything he wants to do to increase this quantity will only increase the work that the police are trying to reduce and increase the number of deaths which result from the drinking of methylated spirit.

[The Minister for Housing]

I would urge the House to take into consideration when the quantities and the penalties are discussed.

I beg to support.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I am grateful to my hon. colleague, the Minister for Housing, for the support he has given to this Bill and also for the way in which he dealt with two points raised by the Member for the Central Area.

If I may respectfully say so to the hon. Member, I think he has missed the point of this Bill. The point is to control the sale of methylated spirits for illegal and illegitimate purposes. This Bill does not intend that those who require methylated spirits for legitimate purposes should not be able to obtain this commodity in the furtherance of their business. It is for that reason, Sir, that I drew the attention of the House to the provisions of clause 12 of the Bill, which states that a person may be in possession of more than one gallon, subject to the written permission of a licensing officer being obtained.

I find it difficult to imagine a licensing officer refusing to grant a permit to a legitimate furniture maker who requires more than one gallon of methylated spirits for the proper conduct of his business.

But I do not agree, Sir, that methylated spirits is sold only in containers of four gallons. I know, from my own personal experience, that methylated spirits is sold in bottles by retailers, therefore I am not prepared to accept the argument that this provision will produce hardship for people unless we increase the quantity to four gallons.

The next point that the hon. Member raised was that the penalties had been unduly increased. He stated that they were ten times as large. My hon. friend the Minister for Housing, has suggested that the Sh. 5,000 should be increased to Sh. 10,000. Just to show that I am completely impartial in this matter and that I am not taking sides, I am going to stick to what is stated in the Bill. I am not going to accept the suggestion from either Member. However, I did say, in moving the Second Reading of this Bill, that in this instance we are not

dealing with people who are honest, with people who are engaged in legitimate trades. In this case, we are dealing with people who are trying to make money from an illegal trade, by selling methylated spirits for consumption as a beverage which, as my hon. friend the Minister for Housing has pointed out, so often results in death.

I think I can therefore suggest to the hon. Member for the Central Area, Sir, that in addition to the three factors of motive, magnitude of the crime and the character of the criminal, which he has mentioned, there are two other factors also which must be borne in mind. The first one is that there must be deterrents so that people do not commit crimes. I think it is more important that we take away the tools of crime from people and not allow them, if we can help it, to commit the crimes. The second factor is that the result of the crime must be taken into consideration. If, as a result of the sale of methylated spirits, incidents occur such as have been described by the Minister for Housing, then I certainly feel that the penalty should be as stringent as we can make it.

I am, Sir, not prepared to agree to amend the provisions of clause 20 to reduce the punishment, because I am satisfied that we need a strong deterrent against the crime of dealing in methylated spirits for drinking purposes.

My hon. friend the Specially Elected Member, Colonel McKenzie, enquired what type of applicant I visualized under clause 6. I imagine, Sir, the people who would be applying for licences under the provisions of this Ordinance would be people such as hardware merchants, chemists, grocers and those who require methylated spirits for legitimate business purposes.

The classes of people who will not be able to obtain a licence are set out in clause 8 of the Bill.

Mr. Speaker, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

The Entertainments Tax (Amendment) Bill.

Order for Second Reading read.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that the Entertainments Tax (Amendment) Bill be now read a Second Time.

The main purpose of this Bill, Sir, is to clear up certain matters of administration and to that extent it is fully explained in the Memorandum of Objects and Reasons. The only thing I need add to what is said there is in respect of clause 7 where the Special Commissioners constituted under the Ordinance are replaced by the Treasury. The reason for that is that the Special Commissioners who were originally appointed to deal with certain cases which did not fall under the original section 9 were the Member for Finance and the Member for Education, Health and Local Government. As the House knows, there is no longer a Member for Education, Health and Local Government and, therefore, for some quite considerable time, the only effective Special Commissioner has been the Minister for Finance. The fact is, however, Sir, that the power given here is to waive revenue, and it is considered to be appropriate that the Treasury should exercise that particular power.

There is one other point to which I should draw attention and which is not expressly covered by the Memorandum of Objects and Reasons, and that is that under the old section 9, amongst other things, the exhibition of 16 mm. films was exempt from duty. The new section 9 would remove that particular exemption.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

The reason for that, Sir, is that it has been found that 16 mm. films are quite often used in the Colony for commercial purposes and that through this exemption the Government is losing revenue which is believed to be of the order of some £2,000 a year. It is thought that this should be put right and it is also considered that the exemptions provided for in the new section 9, together with the additional right of waiver in special cases, will be sufficient to cover all

legitimate charitable and other uses of 16 mm. films.

Sir, I beg to move.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones) agreed.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

MOTIONS

TRANSFER OF POWERS (VARIATION) ORDERS

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Deputy Speaker, I beg to move that this Council approves the Orders entitled—

The Transfer of Powers (Variation) (No. 3) Order, 1958; and

The Transfer of Powers (Variation) (No. 4) Order, 1958.

Sir, as the only Minister of the Government whose title has been changed—or was changed some nine months ago—it has been found that the Orders which were originally issued, considered by this House, passed by this House and then published, are out of order in that at that time they applied to the Minister for Local Government, Health and Housing, whereas they should be applied to the Minister for Local Government, Health and Town Planning. It will be noticed, Sir, in these particular Orders, in order not to run into the same mistake again, that the words Minister for the time being responsible for health, or for the time being responsible for town planning or whatever subject it may be, are now used in this Ordinance. I therefore suggest, Sir, that this is a comparatively formal Motion and I beg to move.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

MOTION

REVIEW OF MONETARY SYSTEM

Resumption of debate interrupted on 2nd December, 1958.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Deputy Speaker, Sir, at the end of business yesterday, I mentioned that I would be moving an amendment to the Motion. Before returning to that, however, I would like to give a brief summary of the financial position as I outlined it yesterday. At 30th June, 1958, our ordinary revenue, after taking unspent balances into consideration, showed a surplus of £600,000. On development account there was a deficit of rather less than £2,000,000, and in tax reserve certificates there was a credit balance of £1,000,300. Therefore, Sir, overall the Exchequer was just about in balance.

Now, Sir, I would like to mention that although this—and the other figures I mentioned—shows the picture was not as black as it would have been had the figures in the Exchequer account, to which my hon. friend, the Member for Nairobi West referred, although it was not as black as it might have appeared to be, I agree entirely that from the published figures my hon. friend had every right to draw his conclusions, and I should like to say that we realize that it has been rather difficult in the past to draw absolutely accurate conclusions from the Exchequer account at the end of the year. Steps are therefore being taken with a view to ensuring that in future financial years the Exchequer account will bear a closer relationship on 30th June to the actual position than has been possible in the past. In particular, I am taking steps to see that Exchequer issues, as reflected in the account, approximate more closely to the total actual expenditure for the financial year. There is one further point, Sir, I would just like to mention on this, and that is that although there has been this distortion at the end of the financial year, the figures for the months from August or September to May have, in fact, pretty accurately reflected the position. It only has been at the very end, and the very beginning of the financial year that there has been this distortion.

Now, Sir, I think I also showed yesterday that in fact there has been no question of financial juggling in covering the deficit at the end of the year. The

deficit was, in fact, met by unspent issues and revenue.

Sir, I also showed that as far as the ordinary account is concerned during 1958/59 there may be a deficit but we do not expect, on present form, that there should be a deficit of more than about £500,000 on revenue, and I have shown that that equals last year's surplus on ordinary account.

As far as development is concerned, I showed that we needed approximately £7,600,000 together with the £2,000,000 carry-over from last year, making a total of £9,600,000, to offset expenditure. I showed also, however, that this would in fact be offset to the extent of £1,300,000 by our tax reserve certificate balances, which would leave £8,000,000 to be raised in loans. We have no reason for believing that it will not be possible to raise this amount during the year, and the Government does not consider that in fact there is anything unduly disturbing in the present situation.

Further, Sir, I showed last year's ordinary revenue and expenditure were pretty well balanced; in fact, there was a very slight surplus on ordinary revenue. I also showed that this year we do not expect that there will be any large deficit.

So far as development is concerned, as I have said, we have no reason to believe that we shall not be able to raise the loan moneys we required.

There was one point that I did not mention yesterday and I would just like to touch on it now. That is the position at the end of November. When the Exchequer return for the end of November is published, it will be noted that there is an overall deficit during the current year of £1,300,000 which is more, what larger than it was at the end of October. I can assure the House that there is nothing to worry about particularly in that, as the increase in the deficit is mainly due to development; it is also partly due to the fact that certain revenue was actually in transit between the collector of revenue and the Exchequer over the end of the month. In fact, there was the sum of £30,000—a cheque for that was posted off by the Commissioner of Customs to the Exchequer on 29th November, and it did

[The Temporary Minister for Finance and Development] not actually get into the Exchequer until 1st December. So I hope that when Members see the published Exchequer account for the end of November, they will note that and that they will not be unduly disturbed if they see that the customs figure looks to be a little lower than it really is.

Now, Sir, we have not taken a development loan so far and, of course, that explains why the development account is well in debit at the moment. On ordinary revenue we have used the whole of Her Majesty's Government's assistance of £1,500,000. I think, however, Sir, that I again showed yesterday that revenue always does lag behind expenditure during the first nine months of the year, owing to the fact that something like half our income tax revenue comes in in the last three months, particularly in April and May.

Sir, it may be asked: how do we finance the deficit during the year? I do not think there is any particular magic or financial juggling in it. What we do is to use cash that is in the hands of the Paymaster; some of it, such as unspent balances, is cash which in fact has been voted for expenditure, other is various surpluses in funds which are not being used for the time being, and various other deposits. It is, of course, quite obvious, and it is normal procedure that has been acted on ever since the Colony came into being, that if Government has money in its hands, it uses it. Of course, it is obviously in the public's interest and in the taxpayer's interest that Government should do so, whilst wanting to raise a loan. Apart from anything else, it saves a certain amount of interest.

There is in fact, nothing to hide, Sir, and there is no need to panic. The Colony is not on the rocks and I would like to say that as regards panicking, as I said earlier in this Session, the Government is not in the habit of panicking.

But, Sir, it may be said, if everything is as well balanced and as prosperous as I said, why should the Government be undertaking an economy exercise at the present time. Well, Sir, that is an example—and I am glad to be able to

quote it—of the foresight of this Government. It has been clear for some months past that revenue is not as buoyant as it has been in the previous post-war years. During those years of buoyant revenue, we have been able to increase our services and the policies have been those of expansion. As the result of that, we have had considerable increases in expenditure together with expansion in all our services. The priorities, Sir, have been those of security first; development, and then the social services. During this year (and in fact it was also the case last year, as I have shown), it has been possible to continue on the policies devised in the more buoyant years without running ourselves into a deficit on the current account. But it became clear early in this year that we could not be sure that in the coming year we should have any considerable increase in revenue. It might be static; there might be a small decline; there might be a small increase, but what we could not rely on was increases of the order of £2,000,000 or £3,000,000 a year as we have had in many of the post-war years.

In those circumstances, as soon as the Government became aware of this position, they decided that it would be necessary to review policies to make quite sure that next year's recurrent expenditure would not get out of hand. It is quite obvious, of course, that certain expenditure must continue to increase. We must have a certain amount of increased provision for loan services to cover our essential economic development. It is this Government's view that in addition to providing for the security we need, we must develop economically, so that if we are to give ourselves room for manoeuvre and we are to have provision to cover the loans needed for our development services, quite obviously we must review policies in other directions. The Government is taking steps to review this position while there is still time to do so. The one thing that the Government has no intention of doing is to allow itself ever to get into a position which some countries have got into where recurrent expenditure is greater and irremediably greater than recurrent revenue. This Colony has never been in that position, and this Government has no intention of allowing it to

[The Temporary Minister for Finance and Development] get there. It is, Sir, I think the hallmark of a provident Government, and I hope that the House will—as I have mentioned that I shall move in my amendment—I hope that the House will welcome this evidence of the Government's providence and of its foresight.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair)

(Mr. Deputy Speaker (Mr. Conroy) left the Chair)

I could mention that, as my hon. friend the Mover, knows, one of the reasons why I am moving this particular part of the amendment is that the Government does not in fact need to be urged to do this; it has done it of its own initiative, and as I say, I hope that initiative will receive the welcome of the House.

Now, Sir, as regards development, the Government is determined that we shall go ahead with our essential economic development. As I have mentioned, one of the things for which we have to make additional provision in our recurrent expenditure is the provision for the raising of loans to finance that development. As evidence of the desire to push ahead with development at the present time, in spite of all the difficulties we have had in raising money, I would like to mention the steps that have been taken in recent years and there is a little extra in the present year in getting additional money for African agriculture under Swynnerton Plan. Money has been obtained for settlement schemes, for European settlement schemes as well as for African agriculture. We have, Sir, recently had announced to us steps to obtain additional money to develop our roads. The Government also intends to do all that is necessary and has been doing all that is necessary to develop communications by having modern up-to-date airfields. And, Sir, in addition to that, the Government has also taken steps which will assist the building trade in the Colony. The Government was criticized for raising money to build new offices, but I consider that is again an instance of the Government's determination to maintain the building industry in a time of diffi-

culty and also, of course, the provision that has recently also been made for building houses in a similar way; that will also help this trade.

The Government is also determined, Sir, as the recent appointment of the Minister for Tourism shows, to push ahead with the tourist industry to do everything that can possibly be done to develop it. The assistance offered and mentioned in the Budget Speech to the building of new hotels also shows that the Government is in earnest about it.

Finally, Sir, the Government has shown that it is equally anxious in all ways at its disposal to encourage industry to come to the Colony and to develop here. The times, Sir, are hard, but the Government will do all it possibly can in its sphere to push ahead with development. It is prepared to look at all methods of raising the necessary money and the Government has shown that in addition to the orthodox methods of raising loans, it is prepared to look at new methods, such as the use of contractor-finance, and also of mortgage schemes, such as the one for officers and housing. The Government, Sir, is prepared to take calculated risks when necessary in order to push ahead as rapidly as possible with economic development. The one thing, Sir, that we cannot afford to do is to have stagnation.

Now, Sir, as regards monetary policy, the Motion as it was proposed asked the House to consider the desirability and practicability of any changes in the monetary system in Kenya for promoting the economic development of the Colony. Now, there was a certain amount of—I rather gathered—not complete agreement between the Mover and the Second in so far as monetary policy was concerned, but I will agree, Sir, with the Mover that the Currency Board system has its limitations, but, Sir, I would also agree with the Second that it is frightfully important our Sh. 20 note should continue to be worth a pound. The one thing, Sir, in respect of which we must never have financial juggling is the currency of the Colony.

The Currency Board, Sir, has helped and has brought the Currency Board system, whatever its weaknesses may have been, it has certainly ensured that there will be stability and that the public can be quite certain that they do get

[The Temporary Minister for Finance and Development] one pound for each Sh. 20 note. I would also like to point out, Sir, that the Currency Board has given this Colony considerable assistance through contributing to local loans; it has invested a certain amount of its funds, but a prudent amount, in local loans in the Colony; and in addition to that, it has also helped by providing a backing for the discounting of certain finance corporation bills through the medium of which, as the House knows, we finance our cereals industry. In fact, Sir, I would like to pay this tribute to the East African Currency Board: that it has been very helpful in recent years towards the financial requirements of the Colony, and I would say that on the whole, its attitude has been helpful, but always primarily consistent with the canons of sound finance.

Now, Sir, again, I agree with the hon. Mover that there are considerable advantages, there would be considerable advantages in central banking and in having a central bank. There are, however, one or two points that I would like to make regarding this. The first is that I think if we were to have a central bank, quite obviously it is possible we should have a reasonable approach to a matter of that kind. I think that is something on which, no doubt, the hon. Mover will agree with me, and I should imagine that the House would too.

The other point that I have in mind is whether, in fact, we could, even if we had a central bank, whether we dare go a great deal further than the Currency Board has in fact gone toward subscribing to local loans and thereby making a proportion of the currency fiduciary. It is, I think, Sir, one of the things on which the advice, particularly the Bank of England on the Currency Board, but also the advice of all the members of the Currency Board, is extremely useful, and I would suggest that the cautious approach now being undertaken is very wise; and, of course, it will be very helpful to us to have had this experience, to see how far we can go when eventually we do get our central bank. We do not, Sir, want to do what I am sure would horrify the Secorder; we do not want and we have no in-

tenion of using the pritting press or in any other way debasing our currency. But, Sir, the central bank—one will come when the time is ripe for it, and it is a matter that is constantly under review. The Government does give a good deal of consideration to this sort of thing from time to time, and if a great deal of open progress is not made, I can give an assurance that it is not because this is a matter to which thought is not devoted.

But, Sir, although, as I say, I am quite sure one of these days we shall have a central bank, it will not solve all our problems. As I have said in the first place, there can be no question of in any way juggling with the currency. And, Sir, I would like to suggest to the House that no mechanical devices with a central bank or anything else can ever take the place of sound currency based on sound finances, and credit based on a sound and balanced policy. That, Sir, is what the Government aims to do. As I have already said, the policy is there, based on first of all, security; secondly, development; and thirdly, other services. The Government, Sir, is determined to pursue that policy in that order in the future as it has done in the past. And by doing so, I am quite sure that we shall—that our credit will be strengthened. The Government asks the House to support it in its determination to pursue that policy, and thereby improving our credit.

Now, Sir, the final part of the Motion as it is before the House asks the Government to report to Council on both the financial review and the desirability and practicability of any changes in the monetary system at the earliest opportunity. I fully accept and appreciate the hon. Mover's motives in asking that there should be a report as early as possible, but I do not think I could accept the exact words which would in fact imply that the Government should come back with either a white paper or something in the nature of a public speech almost as soon as the house re-assembles in February. I do not think the Government could give any undertaking that it would be in a position to do that, and therefore, I am suggesting in my amendment that the wording should be changed to "when appropriate". As I say, Sir, I do not think that there can be any laying of papers,

[The Temporary Minister for Finance and Development] but what I can say is that the Government will make announcements when it is appropriate to do so in the ordinary course of business in this House, as, of course, the Government does when it has any important changes of policy about which it wishes to inform the House and the country.

Some of these announcements and some of the actual statements on economies will come sooner, some of them in fact are I think already in operation, some of the smaller ones. Others will be on their way. There will, however, be other matters which are more appropriate to the Budget, which, after all, is the time for our annual financial survey, and it is also the time when we give a full account of the financial policy and the financial measures needed to carry out the policy which has been outlined in the Speech from the Chair.

It may even be that certain measures will only come after the Budget; but what I can say, Sir, is that when Government is ready, when it is appropriate to make announcements, they will be made and I should not think that they will all come at once; they will come at various times and as I say, when it is appropriate to do so. I must ask my hon. friend, the Mover, to exercise patience in that one, and I am sure that in fact he sees our position and appreciates it in this matter.

Now, Sir, to conclude, I have shown, I hope, that there is nothing wrong with the Colony's basic financial position. We are paying our way, and the financial policy is the sound one of making sure that we continue to do so. We are, however, reviewing our policies in order to keep a proper balance between revenue and expenditure and between revenue and expenditure at a time of a changing world financial situation and an uncertain world situation. The Government is lacking this in a prudent and business-like fashion. The Government is also determined—and the measures that it has been taking show—that it will continue to be determined to go on with economic development and to examine all means of financing it which are consistent with sound policy and with ensuring that each pound note and Sh. 20 note, can continue to be exchanged for one another.

Finally, Sir, I have said that the Government will report on its measures to the House from time to time when they are ready and when it is appropriate to do so.

I hope, Sir, that I have been able to give a good account of what the Government is doing and now I should like to move my amendment.

I beg to move, Sir, that the words in the Motion after the first three words, "That this Council" should be deleted, and should be replaced by "welcomes Government's announcement that it is reviewing its policies in the light of the financial position and supports it in its determination to promote the economic development of the country and to examine all measures, including monetary ones, designed to achieve that purpose; and notes that it will report to Council on these matters on appropriate occasions".

Sir, I beg to move the amendment.

MR. BECHGAARD seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I propose to invoke the proviso to Standing Order No. 6 as I do not think the matter of the amendment is severable from the matter of the Motion. At 5.25 I shall call on the Mover to reply.

If no other hon. Member wishes to speak, I will call on Mr. Alexander to reply. I would ask you to reply to the debate, and thereafter I will put the amendment first, as is usual.

MR. ALEXANDER: Mr. Speaker, Sir, during the last two years on many occasions in this House, I have been critical of the way in which Government has handled its financial affairs. At times, I have been vehement and, I believe, justifiably so; and because of that, I do wish at the outset today to take the opportunity of saying how delighted, how very satisfied I am—and I am sure this goes for all my European colleagues on this side of the House—with the way in which the Temporary Minister for Finance and the Temporary Secretary for the Treasury have handled this debate. I have never before in my experience in this House have we been so well informed, so clearly informed and so reliably informed. All our questions have been

[Mr. Alexander] answered, and it has been a real pleasure to sit on this side of the House and listen to this objective speaking from the other side.

For that reason, amongst other reasons Mr. Speaker, I would like to say at the outset—and I have the authority of all my European colleagues on this because this is a group Motion—to say that we accept the amendment. And I trust that Government in its turn will go about this finance in the same spirit as we have accepted this amendment; and that although we are agreed that it will reply to us when appropriate, nevertheless, I do hope that Government will reciprocate our acceptance of this by bringing forward to us information as promptly as possible. In fact, if Government can see its way to fully informing us again in February on these matters, I am sure we and the country will be exceedingly pleased if Government will do that.

I do have to thank, Mr. Speaker, my Second, the Member for Nairobi North, for his vigorous, although perhaps somewhat unorthodox, support for my Motion. I am sure that he will appreciate it when at one point I have to express a fundamental difference with his opinions. It is very necessary that it should be done because for the record, I do not want to leave any doubts in anybody's mind as to where I stand on this question of the currency issue, and where I believe most of my colleagues on this side stand. In fact, when he was talking about the man who visited the psychiatrist covered in *diadas*, I rather thought that perhaps he, too, was infested in much the same way with these noughts that surround him continuously and seem to bedevil his thinking. I will show an example of this in a few moments where a mere matter of £10,000,000 does not seem to make very much difference to calculations. He said—and I quote—“The note circulation of East Africa was about £20,000,000 in 1950, or a little above that. It rose to just below £50,000,000 in 1955, and is now some, I believe, about £60,000,000, all of it paper. What has happened to this extra £40,000,000 which has been printed? It is mostly in circulation and has been paid out for services rendered for Government. It is a hidden loan against inflation.” That is the end of the quote.

Firstly, for the record, it is very necessary to get on paper exactly what is the note issue he is referring to. He says: “. . . I believe, about £60,000,000, all of it paper”. The report of the East African Currency Board for the year ended 30th June, 1957—I do not know when it was published, but it is in our Library—shows quite clearly that the total note issue is just over £50,000,000 for the East African Currency Board (bear in mind this difference of £10,000,000 I was referring to earlier on). More recent information is published in the Kenya Gazette on 30th September, 1958, which shows at 31st December, 1957, the note issue of the East African Currency Board—

AIR COMMANDER HOWARD-WILLIAMS: May I on a point of explanation, Sir, say that I understood that the Acting Secretary to the Treasury said £60,900,000. I do not know if my information is right or wrong.

MR. ALEXANDER: Mr. Speaker, I am glad for that interjection because it makes it more abundantly clear as to why we should get our facts perfectly correct. I was just about to say that the Gazette of 30th September, 1958, the Government Notice 3457, publishes the position of the East African Currency Board and shows that at 31st December, 1957, the note issue was £54,600,000. Now, I think, and this is why I welcome that interruption, I think what the hon. Member is getting at is the whole of the currency in circulation, and the figure for that is £65,500,000. The note issue is £54,300,000. In other words, there is roughly another £11,000,000 in other forms of currency. That I believe will go some way to getting factually correct in the HANSARD what we are talking about.

The operative words in what the hon. Member said arise when he says: “. . . all of it paper”; and he says: “. . . has been paid out for services rendered for Government. It is a hidden loan against inflation”. The inference here, and I have checked it with my good friend the second, is that he is suggesting that our currency is adulterated. He talks about the printing presses and the problems that have arisen in China with them turning out currency notes. It is here, Mr. Speaker, where I have a fundamental difference with my

[Mr. Alexander] good friend. I argue quite the opposite. I have argued at length in this House on three other occasions that in fact our system, our monetary system, is not flexible enough and that is why, when I spoke to this in moving this Motion, I asked the Government to start to think about a central bank.

Perhaps it is appropriate here to quote from the most recent expert advice on this subject that has been written by Mr. Loynes in connexion with a report he did for the Nigerian Government called “The Establishment of the Nigerian Central Bank, the Introduction of a Nigerian Currency and Other Associated Matters”, published by the Federation of Nigeria and obtainable from the Federal Government Printer, Lagos. This is the most authoritative recent thing I have seen on this subject and I think it is worth quoting, just two paragraphs, because there has been in this country in the last two years such woolly and such confused thinking published in the Press and elsewhere on this particular subject of our currency. This is what Mr. Loynes writes—and I understand that he is either a senior official or a senior advisor to the Bank of England, sent out specially to Nigeria to help them on this problem, and I quote:—

“Currency Boards have an obligation to issue their currency on demand against an equivalent amount of sterling, and at least in the past not against any other kind of asset; and secondly to redeem the currency in sterling on demand. Their aim has therefore been to retain at all times full backing in sterling, and to build up a further sterling reserve out of the income from their investments to take care of emergencies. Such a policy may be too restricting where a country reaches a certain stage of development. Some Currency Boards are currently taking action to back a total part of currency issue with domestic securities of their government.

With this reservation, however, all Currency Boards work to the same pattern. The amount of currency in circulation, whether in the hands of the public or the banks, rises and falls automatically with each Board's receipts or payments of sterling. A Currency Board on a traditional

pattern does not therefore actively try to influence the supply of money in its territory to take account of the state of trade and the balance of payments. When exports are good and export earnings flow into the banks, the currency circulation and bank deposits rise automatically. If there is an export boom an internal boom may follow with rising prices, a greater demand for imports, and in increased bank lending to finance imports or new enterprise or the holding of stocks. In the other direction, all export earnings cause money to become scarce and may lead to a reduction credit and a slowing down of internal activity. Any country engaged in overseas trade knows such ups and down, whatever its financial system, but under the Currency Board machinery the effects are likely to be felt more rapidly and fully.”

That is the end of the quote, and that is one of the most authoritative statements that can be quoted on this subject, and I believe it worth having in our HANSARD.

I would just quote, Mr. Speaker, from what I said on 5th November, 1957, in a debate on my Motion in this House on this subject, and I would like again just to record this because here in another instance of real expert authority, and I was quoting from a publication by W. T. Newlyn and D. C. Rowan, entitled “Money and Banking in British Colonial Africa”. This same W. T. Newlyn, I would remind hon. Members is I believe still the Economic Advisor to the Government of Uganda, and we have this very excellent advice available to us on our very doorstep, and I suggest we should not ignore it. This is what he writes—I was quoting him on 5th November, 1957, and I said, here again to answer those if I may, Sir, with your permission, read an extract from the same authoritative work, so that hon. Members may have a keen appreciation of precisely what is wrong and what is possible, it reads:—

“We have argued that more than 50 per cent of the outstanding currency can be regarded as permanently localized currency areas, and that the sterling reserve at present held by the Boards are, therefore, excessive. Having regard to the magnitude of currency

[Mr. Alexander] contraction experienced in the very severe depression of the thirties and the possible range of variation in security values, we are of the opinion that a reserve equal to 50 per cent of the outstanding currency is perfectly adequate for the maintenance of convertibility. Indeed, if allowance is made for the ability of Governments to borrow in London, then the maximum fiduciary element might exceed 50 per cent."

That I think is another excellent answer to any suggestion that our currency is adulterated or watered in any way whatsoever. Here is authority arguing as I have argued, Mr. Speaker, in this House, that in fact our fiduciary issue should be extended. I have argued that I consider that we could well maintain convertibility with only 40 per cent of our currency covered by sterling instead of, as has been in the past, over 100 per cent, and that the other 60 per cent could be used in the same way as the Treasury Minister for Finance has said, could be used by the Currency Board in the same way as in fact the Central Bank would use it. That is, to create a fiduciary issue by backing our local development in these territories.

The Member for Nairobi North then did go on to say, and I quote: "The list of securities which formed the excuse for our inflation are largely loans from other Colonial territories which are just conveniently switched around to keep up the appearances". Now here, Mr. Speaker, I believe it is important that we should again study the facts and have them on record absolutely accurate and correct, and I can do no better than again to turn to the accounts of the East African Currency Board as at 30th June, 1957. What do we find there in reply to this particular statement by the Member for Nairobi North? First of all, it says this, at paragraph 10: "The total assets of the Board amount to £63,800,000 at 30th June, 1957. Cash, Treasury Bills, and securities maturing not later than 1959 amounted to £33,600,000, or 53 per cent of the Board's assets. Further securities maturing not later than 1961 amounted to £9,300,000, or 15 per cent of the Board's assets, and the remaining securities amounted to £20,100,000". Then at

page 9 we have the statement of securities held by the East African Currency Board at 30th June, 1957.

Now, my hon. friend says: "The list of securities which form the excuse for our inflation are largely loans from other Colonial territories which are just conveniently switched around to keep up appearances". Now of the figure at the 30th June, 1957, of the nominal value of securities held outside these territories, the total is £48,500,000—the nominal value of all the securities held outside these territories. Of that total, Mr. Speaker, small amounts are invested in five other Colonial territories, and the total of these, out of the £48,500,000, is £650,000. Those are in Nigeria, Northern Rhodesia, Trinidad, Nyasaland and Jamaica. Nigeria has the biggest, with £250,000, and just for a bit of fraternization we have put £100,000 into each of these other territories just to show that we are really serious. Those are the facts on that particular one.

Then we come to a statement which says: "Many of the securities are some 10 or 20 per cent down on their quotations"

Here again, Mr. Speaker, I must go to this same statement of accounts of the Currency Board of the 30th June, 1957, and on this same page 9 again we see that the figure I have just quoted—the nominal value of £48,500,000—the value at mean market price at 30th June is £43,800,000; the difference is £4,700,000, which is equivalent to 9.7 per cent. It is not 10 per cent or 20 per cent, it is 9.7 per cent. As distinct from the nominal value, the cost of this £48,500,000 was £47,700,000, so our investors—those people who look after the Currency Board—seem already, if they take these investments to redemption date, to have made a cool million for us on the price at which they purchased these. The cost price is £47,700,000 as against the mean market value of £43,800,000; the difference is 8.7 per cent, not 10 per cent or 20 per cent.

Just to bring that right up to date, this same Gazette Notice of 30th September, 1958—Government Notice 3457—shows the position at 31st December, 1957, of nominal value, price paid and value at mean market, and it does

[Mr. Alexander] not alter very much the percentages that I have just quoted.

That concludes the part where I did feel I was bound to have to answer my good friend, the Member for Nairobi North, and I do trust that he will appreciate that for my sake—for the sake of all my colleagues—I have attempted to put on record what I believe to be the facts, and I trust that in future he will accept these as the facts.

I now come to the Temporary Secretary to the Treasury, and I must say I find his explanations of these financial intricacies very clear—very clear, indeed—and very, very well worth listening to. He did say this, and I want just to have this corrected; he said, and I quote: "I would not like the hon. Member for Nairobi West to think that currency is the only form of money". Well, when I heard him say that, I thought I had better read once again my child's guide to banking, but I did say—and I am surprised that he should have had to say that—when I spoke, I said this in connexion with banking: "The workings of the commercial banks in keeping the supply of money appear to be unco-ordinated". I made it very clear there, Mr. Speaker, that I was well aware that the banks, as well as other institutions, operate in the creation of the supply of money, and I can assure him that I am very conscious of this elementary fact.

The Secretary to the Treasury then did go on to say, and I quote: "As far as we can see we require about £9,500,000 of loan money during the current year in order to end all square on the development at the end of the current financial year".

The Temporary Minister for Finance also dealt with this yesterday and again today, and he has said yesterday: the various sums concerned amount to £8,700,000; that is the amount that we are likely to need from loan funds to finance expenditure approved for the current year. Now, it is important, here, Mr. Speaker, that we do have on record precisely the reconciliation of these figures. I regard it as extremely generous of the Temporary Minister for Finance to have acknowledged that there is, in the method of presenting the Exchequer account at 30th June, 1958, a weakness

that can lead to misunderstanding, and I am grateful that that has been acknowledged from the other side. It is sort of thing that is so pleasing to us over here: when there is an error or the likelihood of facts being presented in a way that can be misunderstood, it is pleasing that it is openly and clearly acknowledged from the other side.

The position is, therefore, this, in order that we have on record that we are all talking about the same figures; when the Government published the Development Estimates for the year 1958/59, Table IV, the Schedule stated that they would finish up with an estimated deficit at 30th June, 1959, of £9,700,000. To that they have since added just the other day Development Supplementary Estimate No. 1—a figure of £2,700,000—making a total of £12,200,000. They now say that a figure of £9,500,000 is the amount that is required. The difference between £12,200,000 and £9,500,000 is some £2,700,000, and it is this £2,700,000 where we are talking—or have been, until it has been made clear—on a different wavelength. You remember I said yesterday, Mr. Speaker, that I had calculated that we needed £12,500,000 approximately. The difference of £2,700,000 is made up in this way: £1,000,000 unspent from last year, not accounted for in this summary; another £1,000,000 that should have been shown as a receipt in last year but, because it was not received until this year, was omitted; that is £2,000,000. The rest of it is £100,000—money returned from the Swynnerton Plan or not needed or something; £300,000 from Colonial Development and Welfare; and £200,000—Ministry of Works surrender of unallocated stores fund. That makes up approximately £2,700,000.

What has emerged clearly from this is that taking into account, roughly, £1,300,000 of money held for tax reserve certificates, that between now and the end of June, 1959, our Government have got to raise £8,000,000 in order to balance the development exchequer account by the end of June, and I wish them luck in doing so, and I hope they do not have to resort to this new innovation that has been created in Toronto by Mr. Diefenbaker or through his influence—Exchequer loans. I gather

[Mr. Alexander] these are only intended as a stopgap, perhaps temporarily, until other means can be found, and it certainly would be unhealthy if our Government had to resort to this at this stage as a means of last resort.

I now come to the Temporary Minister for Finance. I find it so difficult to understand why he was at such great pains to explain the position as at the end of June this year, because of course that is not what I was trying to establish. Figures at the end of June were merely quoted as brought forwards in order to try and discover where we were at the end of October and, I hope—and he has given us a bit of information—at the end of November. I think he said at the end of November our total overall deficit is £1,300,000, but he did not tell us what, in that, represents tax reserve certificates.

THE TEMPORARY MINISTER FOR FINANCE (Mr. Mackenzie): Just to get the record quite clear, what I said was that the deficit between 1st July and 30th November was £1,300,000—that is to be added to any other deficit to get the overall.

MR. ALEXANDER: Thank you. Then regarding customs duty, he had this to say, and then went on regarding income tax, and I quote: "It was also hoped that there would be some recovery from the depressed state of trade during the last financial year, and I think probably in some ways that that particular hope may be realized. There is no reason for believing that the pattern for the early months will not be achieved. My advisers—I am turning to income tax—my advisers in the Income Tax Department inform me that they see no reason so far to believe that the total estimate for the year will not be achieved".

Mr. Speaker, earlier in the year we had sentiments much the same as this expressed to us by the Minister for Finance. He was taken to task, particularly by my two Specially Elected Member friends, Mr. Slade and Mr. Bruce McKenzie, as to his ideas on the state of our economy. He contradicted them violently, but events have proved them correct. Here again we find our Temporary Minister for Finance expressing much the same sort of hopes that

were expressed by the Minister for Finance, and I do hope that he has not put himself in the position that we will have to—as we did with his Minister—come back and prove that he is not correct.

A reading of the Budget debate in HANSARD of the 13th May, 1958, page 327, where many words of wisdom were poured out by Mr. Slade, and also page 549 where Mr. Bruce McKenzie also spoke, will, I suggest, make refreshing reading to our Temporary Minister for Finance on this very topic, and I suggest tonight that he reads carefully what was said there, and just perhaps reconsiders what he has told us about the possibilities of customs and excise and income tax maintaining the buoyant figures that are expected of them. I suggest, Mr. Speaker, that in respect of customs and excise the full impact of the slowing down of trade is only beginning to percolate through the customs figures; there has been a reduction in inventories—this is well known—in fact, I think the Minister for Commerce and Industry himself recently was speaking on this subject. There has been a reappraisal in trade and in industry on this whole question of stock holdings and undoubtedly, in the months ahead, there are likely to be far less importations whilst business and industry re-organize themselves in this particular respect.

Of income tax I said yesterday that I thought that the healthy energies of the Tax Department are perhaps drawing in far more arrears than they have in the past and I suggest it is dangerous to take too much account of those arrears in current tax collections in coming to a conclusion that the current revenue from direct taxation is as buoyant as it could be. I do ask the Temporary Minister to think again on these two subjects.

Now, today the Temporary Minister did very rightly answer the question as to why Government has embarked on an economy campaign if the financial position is all right. He did, in fact, I think, claim that Government had thought about this a long time ago. The record, though—and I go back to this HANSARD I have just been quoting—rather suggests that in fact in June the Minister for Finance had not woken up

[Mr. Alexander] ment offices brought up in that context again. I hope it is perfectly clear.

The Minister for Finance did say that the Currency Board system is a guarantee of stability. Now that is a very unwise statement indeed. If he means that the Currency Board system means that we get one pound sterling for each East African pound note, then that indeed is stability in that sense. But in the sense of promoting the economic development of the country, the last thing that you can claim for the Currency Board system is that it is a guarantee of stability. In point of fact, that is just what we are suffering from now. If we had a system more flexible than the Currency Board system to finance our internal economy, we would be in a far healthier state. It is this inflexibility that leads to instability in the Currency Board system.

Mr. Speaker, I beg to support the amendment.

Question that the words to be left out be left out was put and carried.

Question that the words to be inserted therefore be inserted was put and carried.

Question that the Motion as amended was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): That brings us to the end of the business on the Order Paper. I therefore adjourn Council until 2.30 p.m. tomorrow, Thursday, 4th December.

The House rose at fifty-three minutes past Five o'clock.

The Minister did mention—and I am sorry that we have to correct this one once more, I can remember, answering the Minister for Local Government on it—this question of Government spending £500,000 on office blocks, and how wise they were, helping the economy and it was all good and we were rather stupid from this side to have criticized the building of course. Let us get this right once and for all. We did not criticize the building, of course what we criticized was that if Government had got £500,000 we could think of better things to spend it on. Now let us have this one, I have said it, I think, three or four times and I do not want this £500,000 on Govern-

Thursday, 4th December, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Report of a Committee of Enquiry to Examine the Working of the Increase of Rent (Restriction) Ordinance, 1949.

(BY THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan))

MOTION

CALL FOR INFORMAL TALKS

MR. COOKE: Mr. Speaker, I beg to move.

THAT this Council deplores the strained political relations which exist amongst some groups of this Council and strongly urges that all should enter into informal talks and discussions with a view to the restoration of harmony and mutual confidence without which nothing constructive on any specific subject may be achieved.

Sir, I am afraid it is not a very well-worried Motion. Motions usually are not when you have to take plenty of advice on them. A cynic once said distrust first thoughts because they are usually honest.

Now, Sir, before I actually speak to the Motion—and may I make it perfectly plain, Sir, that this Motion does not arise out of that unhappy incident on 4th November last. For many months, I personally have been troubled about the bad relations which seemed to me to exist amongst the races of this country, and I thought it particularly tragic that the talks which were to have taken place between the European Members and the African Members in July, 1957 did not take place owing to—I think—some unfortunate misunderstandings. It was for that reason, Sir, that in January last, I got together 12 well-known Africans and 12—if I may call them—distinguished Europeans to meet in Nairobi, and we discussed matters of mutual interest. I was then struck, Sir—I am speaking per-

sonally now only—by the fact that the Africans, the 12 Africans—and they were the 12 most representative Africans in Kenya—seemed genuinely anxious to come to some understanding with the other races of this country. Before we ended that meeting, there was a unanimous resolution passed that we should meet again. But circumstances have been such—what with the Election and one or two other things—that it has not been possible to call another meeting. I merely mention these facts, Sir, to show that this Motion does not stem from what happened in this House last November.

Now, Sir, I do not intend to be long, the House will be glad to hear; indeed, at this juncture, I think the least said is the better. This Motion does not invite a long debate at all. It says what it means, and I hope it means what it says. It deplores the misunderstandings of today, and suggests informal meetings for the exchange of views and discussions between all races in this country. These discussions, Sir, I would like to make plain, so far as I regard this matter, will not commit anyone to anything. They are merely informal meetings in which we can discuss together where our differences are and where our agreements are. They would merely explore the possibility and desirability of future discussions and negotiations of perhaps a more formal nature. But in themselves, they would merely be completely informal talks carried out in an entirely informal manner.

Now, Sir, I think it would be useful if those who are going to do me the honour of supporting this Motion or of speaking on this Motion would give suggestions as to how, if these informal meetings take place, the Members should be constituted. I myself think that all the Unofficial Members should meet for these informal discussions. I think first they should meet over tea and coffee and perhaps some more encouraging beverage and discuss between themselves what can be done to alleviate the present position. There will be no commitments by anybody on any side.

Later, I think, after these small meetings of all races, we might meet in one of the committee rooms of this building to discuss matters in the same informal manner, but all of us being as it were

[Mr. Cooke] together. I would suggest, Sir, that at that meeting, there should be an unofficial chairman from outside—some distinguished person might take the chair, not in any way to influence the meeting but merely to see that when so many meet together, there will be not too much talking of a discursive nature, just to keep the meeting, as it were, down to taints.

Sir, I delayed this meeting, as you will know, from last week in the hope that the African Members might be present, but unfortunately, as we see, they are not present. I am one of those who would express the wish that they will be soon amongst us to contribute their wisdom and their knowledge to the debates of this House. I hope it will not be long before they again come into this Council chamber.

A few weeks ago, I did discuss this matter with Mr. Mboya and with some of his more influential colleagues, and the Motion which I had then framed, as you know, Sir, was then acceptable, and very acceptable to them. But as you know, there were difficulties that arose, according to the rules of this House, so that particular Motion could not be moved. Thus it was amended, and the amendment was not quite so agreeable to the African Members, but Mr. Mboya, whom I contacted just before he left for his trip to Europe—I read out the present Motion twice to him over the telephone, and he said he did not think it would lead to much, but he did not oppose it. But yesterday I contacted Mr. Frances Khamisi who was the only other African Elected Member available, and he said it was his wish personally that I should go on with the Motion. So I decided, for that reason, to go on with it. I may say that so far as I know it has got the backing of a great many people of this House, and especially, I am glad to say, of people of all races. Mr. Speaker, I do not suppose that there is any member of any race who does not ardently desire that we should come to the end of these bickerings and suspicions which have arisen today, and who does not feel that the trend of events, if persisted in, must lead to economic calamity and political difficulties.

Fortunately, Sir, there is in Kenya today a great fund of good will and good

nature, and it is because I rely on this fund of goodwill and good nature that I ventured, Sir, to bring this Motion today.

MR. PASOYA: Mr. Speaker, Sir, I rise to second the Motion moved by my hon. friend, the Member for the Coast, in such precise and clear terms. I do congratulate him for bringing the Motion at an appropriate time when discussions are so necessary for constitutional progress in this Colony.

I take it that there will not be anybody who will disagree with the intention or the terms of the Motion as moved by my hon. friend. For some time past we have been feeling in this country a sense of insecurity and instability and many of us who have the interests of the country at heart are a bit worried about the situation that has been developing along these rather serious lines recently. There is virtually a stalemate at the moment and one wonders which way to move to resolve the situation in the interests of all the communities. Just indifferent efforts here and there and expressions of concern by various sections of the community will I fear have not met the case. We have not taken into account the realities of the situation. There must be some genuine attempt to bring all the groups together.

There was some time ago, as my friend the Mover said, an attempt for all groups to get together but when the two groups, the Europeans and Africans got together, I think nothing worthwhile emanated from these discussions. I think there was too much fear and suspicion amongst the minds of those who met which could not be overcome. It must be remembered that in such discussions we must place the interests of the country first.

I do not intend, Sir, at this stage, to blame any particular group or to go into any recriminations or to go into any past history; but I want to see that a new chapter in our negotiations, on the basis of willingness and determination to settle the problems promptly, will be opened. Let us, all the groups, be very bold for it is very apparent that unless we are determined, and seriously determined, to get together we will find the situation will be worsening from day to day. Let us, all of us, set aside our pride and our firm attitudes, and let us produce something worthwhile, or at least let us make

[Mr. Pandya] an attempt to do so. Let us, of all races and indeed of all groups, and I do include the Government in this, meet with one object in view—namely, to find a solution to the difficult problems that are facing our country today.

Let us, in all seriousness and all frankness, be straight about this and not think too much of what has happened in the past. Let us admit our errors—if we think they were those of judgment or intention—and place the interests of the country first and foremost.

I personally visualize these discussions as being in the nature of exploratory discussions leading to something more tangible and more everlasting. We cannot settle our differences overnight. Once we have jointly prepared the ground of agreement we can then call in experts if you like and then get together on a formal basis with a prepared agenda and then finalize this matter. But let us initially reach agreement on the wider issues that affect all the peoples of this country. If we achieve success in this endeavour we will have gone a long way to realizing our purpose of restoring harmony and confidence among the peoples of this country.

Let us not fool ourselves—none of us, of whatever community—that the present uncertain position undermines our own confidence, it keeps us agitated and frustrated, it creates further indifference and intolerance, it frightens capital out of the country, delays our economic recovery; and, let us not make any mistake about this for there is much competition for capital from many of the other underdeveloped countries which require this capital for many development projects. The countries which can give such help, Sir, are very few in number and quite naturally they will take into account which countries are more profitable from their point of view and, indeed, what is more important, very safe from their point of view. If we do not rise above our differences and lose such opportunities as are afforded to us for discussions then the future generations of all races will blame us for our inability to get together and achieve success—in not even making an attempt to do so.

I realize, Sir, that the terms of the Motion are not adequate to meet completely the situation as we see it today or to achieve our final objective. But let us begin to talk and discuss so that the confidence of the people can be restored and harmony created for the future better working of the Constitution of this country.

Now, Sir, the despatch last week of the Secretary of State to His Excellency the Governor said this, and I quote: "I venture to express my hope that the African Members of the Legislative Council will be prepared to enter into discussions, first of all with you as Governor and thereafter with the other groups so that a determined effort can be made to create a basis for mutual understanding". I suggest, Sir, that this applies to all communities. Here can be the beginning of implementing the intention of this Motion that all groups shall meet together. I am confident that all of us of all the groups will avail ourselves of this opportunity when it is accorded to us.

Finally, Sir, I do support the hon. Member in his suggestion with regard to the appointment of an independent chairman for these talks. For obviously a party man would not be the right choice. The success of such negotiations and discussions will depend to a large extent on the leadership, tact, inspiration, ability and, indeed, the confidence he creates to tackle matters firmly and, indeed, impartially. I am confident, Sir, that such a person can be found, within the Colony.

With those words, Mr. Speaker, I beg to second.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): Before proposing the Motion I would like to make it clear that in the event of this Order being resolved, be it in the affirmative or the negative, I will not allow Order No. 5 to be debated because it is very much akin to this Motion.

Question proposed.

MR. ALEXANDER: Mr. Speaker, Sir, I withdraw the Motion at Order No. 5 and I wish to move an amendment to the present Motion that after the word "Council" all words be deleted and in

[Mr. Alexander] place thereof the following be substituted. . . . being convinced that an atmosphere of goodwill between all Elected Members of this Council is in the best interests of this Colony, urges them to meet informally to discuss matters on which they have any prospect of finding common ground with a view to encouraging harmony and understanding". I bring this amendment, Mr. Speaker, in the name of all the European Elected Members. It substitutes the words that were in my Motion which were put down in the first place as a Group Motion. I have to explain, Mr. Speaker, why I put my Motion down. The reason for it was that the Motion by the Member for the Coast had been on the Order Paper and notice of it had been given some while ago and it had actually been on the Order paper and it did seem that he was not going to move it. Actually I understood and, in fact, he has confirmed it today, that he wished the African Elected Members to be here when he moved his Motion and as they have not given any indication that they would be here it was all the more reason for us to believe he would not be moving his Motion. The only alternative I have, therefore, is to move this amendment.

Mr. Speaker, it may be wondered—

MR. COOKE: Mr. Speaker, on a point of order, is the hon. gentleman in order in withdrawing his Motion and moving an amendment which is identical to the Motion which he has withdrawn? I do not object, but can he do this?

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): I think he is in order. There are two Motions on the Order Paper of which notice has been duly given. I have already given a ruling that the Motions are so similar that I could not, in the event of the first one being resolved, allow the second one to stand as a separate Motion.

I can, however, see nothing which would prevent the hon. Member from moving his Motion as an amendment.

MR. ALEXANDER: Thank you, Mr. Speaker.

The Member for the Coast did just say then that the two Motions were identical. I was just about to go on to explain that they may look in words identical—

MR. COOKE: Mr. Speaker, I did not say that the two Motions were identical—I said that the amendment which he is moving is identical to his Motion.

MR. ALEXANDER: It may be wondered, Mr. Speaker, what the difference is between the wording by the Member for the Coast and this amendment. On the face of it it would seem that they are somewhat identical. But it is in their inference and their implication that there is a world of difference; and in moving the Motion the Member for the Coast himself pinpointed the difference. He talked, he used the phrase, "informal meetings constituted". Mr. Speaker, it is very clear to me, and certainly to my colleagues, that there is at this time no place, no atmosphere, that is necessary for anything to be constituted. But what there must be is in the lobbies, in the corridors, in the restaurant of this building, a genuine moving together in a very natural way of all the various races.

On another occasion, Mr. Speaker, I used the expression, and I think it sums this up well, that what is needed is the use of the small square tables in Parliament Buildings which are so excellent for tea and Scotch and informal talks. You can gather from that, Mr. Speaker, that on that occasion I happened to be talking to Scotsmen.

The Member for the Coast did admit that his Motion was not particularly well phrased. I am sure that by now he will have preferred the wording of my Motion.

He did go on to say that his first thoughts on his Motion were much better. He said, in fact, that it had always been said that one mistrusted the first thoughts but that they were usually honest. I am quite certain that is why, Mr. Speaker, over very many years in this country we have had so much honesty from the Member for the Coast, because it has always been very clear that he has generally expressed his first thoughts without much hesitation and without much consideration before expressing them.

He did say that it was unfortunate that the talks in July of 1957, owing to a misunderstanding, an unfortunate misunderstanding, did not progress. He, having said that, Sir, I am bound, for the sake of the record, to make it clear exactly

[Mr. Alexander] what the position of the European Elected Members was at that time. It was very fully stated in a statement issued under the signature of our chairman, the Corporate Member for Industry, on 15th August, 1957. On this particular subject, on page 2, it started off with these words: "The records show that it was the wish of the European Elected Members as a whole to have discussions with the African Members and not, as Mr. Cooke suggests, that such a meeting was initiated as a result of the threat of his resignation".

The record of attempts by the European Elected Members to discuss with their African colleagues very soon after the African General Election last year is very carefully explained in this long statement. We invited the African Members to meet us on Thursday, 30th May, 1957, with other groups. The African Members, however, asked to meet the European organization alone. At the meeting, it was clear that the African Members were not prepared to discuss the setting up of machinery for discussions. On 12th June, 1957, our chairman spoke to a representative of the African Elected Members and told him that the question of the Constitution was not a simple matter and that we were studying the implications. After that, of course, as we all know, there were no further meetings until the efforts of the Colonial Secretary later in the year.

I believe that it is right that we should have this on the record in case, from the remarks of the Member for the Coast, there are any misunderstandings as to exactly how the European Elected Members acted.

In addition to that, Sir, I would draw attention to the efforts of individual European Members to get close to their African colleagues in the months after October, 1957. In fact, my friend the Specially Elected Member, Mr. Slade, made a personal tour speaking to groups of Africans with the African Member for Central Nyanza. He also, I believe, had the Member for North Rift on his platform with him. The other Specially Elected Member, I know, Colonel McKenzie, also toured with the African Member for North Rift. I myself did what was regarded as quite an unusual

thing by having in my own constituency the Member for Meru and I toured his constituency with him. These are just a few examples and there may be others.

But they all help to indicate how very necessary it is to keep, at this moment, away from any arrangement that is constituted. We have got to proceed in a very, very natural and a very informal manner.

The Member for the Coast did say he had spoken to the African Member for Nairobi Area about this Motion, and I understood him to suggest that the Member for Nairobi Area had said he did not think it would get anywhere. But where the Member for the Coast is quite right is when he talks about the fund of goodwill and good nature that exists in this country. That certainly is the case today amongst the European community, and I would venture also to speak in this respect of the Indian and the Muslim and the Arab community. I had the very great privilege recently of talking to the Muslim League in Mombasa and I know there is tremendous goodwill there. I can assure hon. Members, and the people of this country that today in the European community there is a great fund of goodwill and a great love of our African countrymen. This is not generally appreciated outside this country. People here who have grown up with our African friends, who know them, have got a very great affection for them. We do genuinely care for our African countrymen and it is that spirit that must be captured now to put right what has developed as a most unfortunate aloofness in this House on the part of our African colleagues, which, I would say, Sir, is not truly representative of the great mass of Africans throughout this Colony, who are interested in their economic progress, who are interested in their education, who are interested in social advancement. It is that fund of goodwill on the other side that we have got to get through to. I believe that if we started in a casual, informal manner in this House, Mr. Speaker, it would be the quickest way towards that.

I beg to move my amendment.

MRS. HUGHES: Mr. Speaker, Sir, I welcome this amendment very much and would like to second it. The reason I do

[Mrs. Hughes] is because I believe that there is a growing concern amongst the Africans in Kenya that they are not getting the fullest representation from their Elected Members, nor, indeed, the active or even moral support for any measures that are put forward in this House for the benefit of their own community. Sir, there is much that we have to discuss here of common interest to us all and much that affects the African in particular. Some of these problems I have mentioned in the House quite recently, and there are many others on which we would welcome their support, their advice and their help. There is still much to do in this Colony in the way of welfare and economic progress and it is necessary that all the Elected Members should play their fullest part in securing these reforms and these measures for their constituents.

I believe it is by the raising and thereby leveling of the standards of living, the standards of integrity and ability and by dealing with these fundamental problems that mean so much more to the individual than these artificial political dreams—it is by those things that we can create and build up a stable and balanced nationhood in Kenya.

Therefore, Sir, I beg to second this amendment.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): The amendment proposed is identical with Order No. 5 as set out on the Order Paper.

I will invoke, as seems usual nowadays, the proviso to Standing Order No. 62, as I find it difficult conveniently to sever the matter of the original Motion from the matter of the amendment.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Speaker, Sir, the Government in this matter is not perhaps in a sense directly implicated, either by the original Motion or by the amendment moved by the hon. Member for Nairobi West. However, it is in sympathy with the proposal that there should be informal discussions between Elected Members of the Council with a view to creating an atmosphere of greater har-

mony and greater understanding and confidence between the Members of this House of all races, and it therefore gives its blessing to the principle which is involved. It will accordingly support the amendment rather than the original Motion for the following reason.

It is clear to me and to the Government, from the words of the hon. Member of the original Motion and of his Second, that his underlying objective is considerably wider than merely informal contact and association between Members of this House. It is equally clear to me and to the Government that the Mover of the amendment contemplates that form of informal association, discussions and exchange of views which the Secretary of State, in effect, had in mind when he wrote his recent despatch. Therefore, the Government feels that the terms of the amendment more closely accord with its own and with the Secretary of State's wishes and intentions. For that reason, therefore, it will support the amendment rather than the original Motion.

Now, I think it is right that I should, having referred to the Secretary of State's despatch and to the motives which have led me, on behalf of the Government, to support the amendment rather than the original Motion, refer you, Sir, and the House to those parts of the despatch which have conducted to my taking this course.

In paragraph 2 of his despatch, the Secretary of State said this, and I quote:—

"In forming my judgment of what I considered to be a fair solution of current political problems in Kenya, I was certain that any new arrangements must rest firmly on four main principles—

- (1) the maintenance of a Government in which all races in the country take part;
- (2) a limited but final increase in communal representation in the Legislature;
- (3) the creation of opportunities for representation in the Legislative Council based on the non-communal principle; and

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(4) the institution of a body of local people who from their background of wisdom and impartiality can prevent unfair discrimination detrimental to any community.

I linked those principles with a decision that the proportions between and within the groups for whom the specially elected seats are preserved shall not be varied during the next ten years and that any alteration in the total number of such seats or in the method of filling them will be subject to the approval of the Council of State."

Then his first sentence of paragraph 3 and I quote

"In the months that have elapsed since the new Constitution came into force I have been aware of no circumstance which would justify any major departure from the settlement made by Her Majesty's Government."

I would then quote, with your permission, Mr. Speaker, paragraph 5 of the despatch

"In explaining, as in the foregoing paragraphs, why I cannot contemplate radical changes in the Constitution, I wish to make it clear that, provided the principles enunciated in paragraph 2 are safeguarded and subject to the decision on the specially elected seats referred to in the same paragraph, there is no reason why the detailed working of the constitutional arrangements should not come under review from time to time. It is my view that the Constitution is sufficiently flexible to provide opportunity at appropriate periods for the experience of its working to be discussed and assessed and for constructive proposals to be put forward designed to make improvements."

I will proceed, Mr. Speaker, with your permission, to quote from paragraph 6 of the despatch:—

"The concept of democracy relates as much to the type of society to be found in any country as to the particular features of the machinery of government. It has been the experience of countries like the United Kingdom that the evolving machinery of govern-

ment has kept pace with the changing features of the social scene and particularly with the development of a fairly homogenous population, where geographical unity and a sense of corporate nationhood have superseded through a process taking centuries to complete the cultural, racial and religious cleavages which for long divided the country. The present constitutional pattern in Britain and other advanced territories in the Commonwealth rests on several features of society which are not yet present in Kenya, and these are unlikely to emerge until mutual suspicions have been allayed and ethnic and cultural differences have lost the undue political importance attached to them today. One important feature of a mature society is a readiness to accord weight and respect to the opinions and interests of numerically smaller groups and a complementary confidence on the part of such groups. This must underlie the free working of fully developed democratic institutions. It is therefore to the promotion of a sense of nationhood that we must advance and I can conceive no more potent instrument to this end than the development of a multi-racial or non-racial Council of Ministers, in which policies can be evolved aiming at an integrated approach to the blending of the aptitudes and aspirations of the various communities in a sense of national purpose and achievement. This principle of participation of all groups in the executive-government of the country is a gateway to the future and not a barrier to the advancement of any community. In accordance with my Despatch No. 662 your present Ministers have all accepted the obligation "to promote racial harmony and friendliness and to develop opportunities for all loyal subjects, irrespective of race or religion, to advance in accordance with character and ability". This pledge might well be adopted by all as a major signpost towards the future of Kenya."

And he concluded his despatch, if you recollect, Mr. Speaker, with an expression of hope that the African Members of this Council would be prepared to enter discussions first with the

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Governor and thereafter with other groups, so that a determined effort could be made to create, as he said, a basis for mutual understanding.

Now, it is precisely, Mr. Speaker, because I find and the Government finds the amendment so closely in accord with the spirit of the passages of the Secretary of State's despatch which I have quoted—I fear at some length, Mr. Speaker—that the Government gives the amendment its blessing and will support it in the vote I beg to support the amendment.

MR. SLADE: Mr. Speaker, Sir, though I too prefer the wording of the amendment for reasons that I will give in a moment I fully support the spirit of this Motion, the original Motion, and I would like in doing so to pay tribute to the hon. Mover. It is very fitting, Sir, that he should have been the Member to move this Motion, not only because he is by far the longest established Member on this side of the Council, I think, but also because he has worked unceasingly towards this aim which he has expressed in this Motion. He is very often known as a lone wolf, as I have been sometimes, but that does not stop him trying, as he has tried very hard, to bring the racial groups together, and I think that he is entitled to have that said in this Council.

Sir, in this matter I am speaking for all Specially Elected Members and I am proud to have been authorized to do so. It is of course a subject in which we are especially concerned, because as we see it one of the main purposes of the creation of Specially Elected Members, elected by all other Members of this Council, was to create a group of Members who had this particular responsibility of bringing the racial groups together, providing bridges over the gulfs that might lie between them; so we are really, as it were, on trial both today and tomorrow in respect of the subject matter of this Motion.

Sir, I have to acknowledge on behalf of all Specially Elected Members that we have not yet progressed very far in this duty and objective of bringing racial groups together; at the same time, Sir, I believe that we have made more pro-

gress from time to time than is generally understood; because at the present state of events such progress unfortunately has to be mainly progress in the quieter places, progress without publicity, because there is such fear and suspicion, as the hon. Member quite rightly said, such fear and suspicion at present among politically thinking members of the different racial groups in this country—that some of their leaders may even be afraid of evidence—of public evidence—of co-operation between groups. That of course is what we aim to kill. This fear and suspicion must go and we shall see that it does go. In its place we have got to find mutual confidence and co-operation.

Sir, that brings me to my reason for supporting this amendment. I have actually three reasons, Sir. The first is the reason given by other hon. Members, that it refers more precisely to informal talks in the sense which I understand them, and the hon. Acting Chief Secretary understands them; secondly, because it pinpoints the responsibility of Elected Members in this matter, makes a direct appeal to them, and it is the Elected Members, whether specially elected or communally elected, who carry this real responsibility of building up the mutual confidence that we desire. But my third reason, my particular reason for supporting the wording of this amendment, is that it makes express reference to common ground, "discussing matters on which they have an prospect of finding common ground"; because Mr. Speaker, we have got to be realistic in this matter. It is not enough for us just to talk about a general desire to get together and find harmony, we have got to face the real difficulties that are in our way. There are many matters in which at present, and perhaps for some time to come, racial representatives in this Council are poles apart, and if they meet on those matters they are bound to disagree, and in the process of disagreeing are going to get more suspicious of each other and feel more conscious of the differences that there are between them. But, Mr. Speaker, there are also many matters in which, as we have seen, we already have common ground. Psychologically, if we would concentrate

[Mr. Slade] on meeting and working together where we know or think we have a prospect of finding common ground, that is the way in which we have a chance of building up that co-operation and mutual confidence that will gradually lead us to finding even that we have a chance of common ground where before we had only a gulf, and I do think, Sir, that one cannot over-emphasize the importance of limiting discussions and attempts at co-operation, whether formal or informal, at the outset, to those fields where we have this prospect of finding common ground.

Now, Sir, in that respect I think it is just as well again to be realistic, and face one particular matter in which clearly there is a great divergence between certain groups of Elected Members of this Council, in which we have no prospect of common ground at the moment. That is on the constitutional issue. It would be easy, Sir, and wise for us to meet and discuss constitutional matters if we were all accepting the principles and spirit of the present Constitution, as outlined in the despatch from the Secretary of State which has just been read by the hon. Acting Chief Secretary. Then indeed we could meet and move on from there into improvements within the framework of those principles. But, Sir, the present position is far from that, I am afraid. The present position is that some Elected Members see in this Constitution that we have today, and that we have only had for some eight months, indeed the gateway to the proper development of this country, for the reasons given by the Secretary of State. We have great faith in it and we will not move easily from that faith; whereas other Elected Members see in it the contradiction of all that they are wanting to achieve, and the only kind of constitutional talks that they want today are talks aimed at denying those principles, removing with one sweep this Constitution that was built with such care, such a short time ago, and starting again where we were a little over a year ago. Sir, with that difference of purpose and outlook, we should only make matters worse by trying to meet and talk together on that ground. It might be said, Sir, that in emphasizing today this matter in which we have no common ground at present I am merely

making matters worse, but I hope not, Sir, and I do think it is important that there should be no misunderstanding here, because when you talk about co-operation and then misunderstanding and disillusionment follows, then bitterness follows and the position is worse than it was before; and when we talk today on this Motion about getting together with representatives of all races we must make it clear that we are not contemplating the kind of round-table conference that some hon. Members have been seeking, otherwise we shall be charged later with dishonesty.

Sir, the position of the Specially Elected Members has been made very clear in a letter written only recently by the chairman of our association to the chairman of the African Elected Members' organization. Indeed, a similar letter has been written to the chairman of other Elected Members' organizations. I would ask permission to read it, Sir, because it does state in a very few words the precise attitude of the Specially Elected Members. It is addressed to the Hon. Oginga Odinga, and it reads:—

"The Specially Elected Members have discussed the present lack of liaison between the racial groups in Legislative Council and they offer them services to convene meetings between any groups, or alternatively, and as a first step, the Association will be very glad to meet the African Elected Members or their representatives to discuss general problems and the cultivation of understanding and harmony between the racial groups. The Association wishes to make it clear that in their opinion discussions about constitutional matters must be on adjustments within the present framework and principles, as the Specially Elected Members' Association consider that the present Constitution must be given a fair trial and future constitutional amendments must evolve from the present basis."

That, Sir, is our position.

Now, Sir, having given the warning of avoidance of those places where we have no common ground, I should like to come back to the more cheerful subject of those matters in which we have common ground, and how to tackle them. It seems, Sir, one way evidently is to

[Mr. Slade] have general discussions of an informal kind, as outlined by the hon. Mover and the Seconder—well perhaps less formal than they contemplated, but indeed general discussions of an informal kind such as is contemplated by this letter I have just read, by the Secretary of State in his despatch, and by other hon. Members. All the same, Mr. Speaker, in my experience, one can set too much store by general discussions, or what might be termed talking shops. They can be disappointing. They can again lead to disillusionment and the frustration that we hear so much about. They can even lead to accusations of dishonesty. They do not very often lead to much concrete result in themselves, though they may serve, if used cautiously, to improve the general atmosphere. But where you do develop co-operation and mutual confidence is in common action, finding an actual job to work on together, and there Sir, I believe, is the real key to what we are seeking, even though it may seem a very humdrum solution compared to the more grandiose ideas of conferences with independent chairman, and the like, I do believe, Sir, that if we could concentrate rather more on finding those matters in which we have a common interest, and then taking action on them together we shall soon develop the mutual confidence that comes very quickly from actually working side by side with someone else, the understanding that develops from that. I can speak from my own experience, Sir, without going into many details, but would mention one, where I was spending a little time with hon. African Members, the hon. Mover, and the hon. Mr. Travadi in a visit to Central Province investigating Land Consolidation—we were working completely as a team. There was no element of racial disagreement between us; and our mutual respect, I can say for myself anyhow, grew very fast in the process of only three weeks. That is only one example. There are many matters of that kind in which we already have common ground, and which show we have common ground, and which we must make the most of.

If hon. Members would look back a little, even within the last five or six months, there have been Motions from this side of the Council in which all racial groups united, I think sometimes to

the discomfort of Government. There have been other matters in which, though we started from rather different ends, we have been able to come together by a generally accepted amendment of a Motion. Then again, outside this Council we have committees on which we can work, in matters on which we know we have common ground. This unofficial committee to which I have referred dealing with Land Consolidation, is only one such committee. There are many other opportunities of that kind. Then again of course there is a larger field, and perhaps the most powerful of all, the field to which the hon. gracious Member for Uasin Gishu referred, the field of social welfare. That provides enormous, unlimited scope. Sir, for all of us, representatives of the public, to work on matters in which we should not have any possible cause for differences on a racial basis, on which we must have common ground if we really care for the people we represent. And Sir, it is a field in which you only have to work a short time, and you find the bond with your fellow workers which is, I should say, a stronger bond than you could find in any other kind of activity whatsoever, except perhaps a fighting service. Sir, those, I believe, show us the way to the mutual confidence we want so much.

Before closing, Sir, I would like to join with the hon. Mover in saying how much I also hope that the hon. African Elected Members will not be very long in rejoining us. That of course is a necessary start to this work which we are trying to put more firmly in hand as the result of this Motion. They must come back; and when they come back I would ask hon. Members to bear in mind that they are not only individuals, but they are the elected representatives of a great many people in this country, and must always be treated as such. One can be very impatient with individuals who are very impatient with individuals sometimes, but it will not do to be impatient beyond just justice. If we believe that people, whether individuals or representatives are misbehaving we have to say so; but we must be very careful how we attack people who are representatives of others merely because we do not like them. It is rather like the man who does not like his own schoolmaster possibly; a boy rather, but if he sees somebody else going for him

[Mr. Slade.]
He says: "You leave him alone, it's up to me to make trouble for him if I want to. It's none of your business. You're hitting my representative, my figurehead". So it must be with any section of the communities of this country in respect of their representatives. However much even they may disapprove of what their representatives do, they would rightly resent any unjustifiable attack from anyone else on these representatives. So a very big responsibility rests on us, Sir, at the time when we see our colleagues back again.

Sir, I only have to conclude by referring to that pledge which the Secretary of State asked us all to give, which was quoted by the hon. Acting Chief Secretary just now, and to say, Mr. Speaker, that as far as the Specially Elected Members are concerned, we all most certainly give that pledge.

I beg to support the amendment.

MR. ROWERS: Mr. Speaker, I would like to support the amendment. I feel myself that the friendly observer, when he looks at our political field can only feel bewilderment. Let us, however, not minimize the difficulties of trying to get agreement on our problems today, but when we reach the stage in our thinking that we will not try to get agreement on things, even though we know that it is most necessary that we do, then the future of Kenya is closed. Nor I feel must we view this Motion and its amendment in the way of a pious hope and just pay lip service to it. I think the only way is one of firm construction. I would like to make it clear that of course I agree entirely with Government's view regarding the Constitution. There can be no breaking the principles or changing them, but, as the hon. Acting Chief Secretary has said, there is room inside that framework to manoeuvre, and I would suggest to those who criticize that a compromise is by no means necessarily a sign of weakness. As His Highness the late Aga Khan said, a compromise can be described as a bridge to get over difficulties and to get on firmer ground, and indeed I suggest that in the terms of the Motion and the amendment that the way to do this is on a person to person basis. It

is, I think, a small community which is of one mind on everything, and I think myself that diversity is to a large extent our strength, but I feel that hatred and fear are pretty poor cement to try and get all the races of Kenya together and that these emotions can only be driven out by a stronger one, the stronger one of tolerance. What is certainly true is that there is no basis for our future in that tragic way of life in so many places in the world today which can be summed up, I think, in the words: "my tribe against my country; my brother and I against our tribe and I against my brother", and I suggest that the only way to stop that, to get over this difficulty, is by discussion, for it has, I think rightly been said, that the only man we do not really like, the only man we do not really trust, is the man we do not know.

COMMANDER GOORD: Mr. Speaker, I am deeply impressed by the sincerity and good sense which the Mover of the amendment and the hon. Specially Elected Member put into their speeches.

I am sure that the right approach to this is that any informal talks should deal with cabbages rather than with kings. What I have to say, Sir, is really an appeal to the empty Benches. One of the principal points made in the Secretary of State's despatch was that Government must be in the hands of responsible people. Now I would define—and I think the Secretary of State did—a responsible person as a person who is not only a capable person but one who can respect and recognize the views and rights of others. The African Members, Sir, must surely realize that if they can prove themselves to be responsible people within the sense of that definition, then inevitably they must gain growing strength in the counsels of the country. But they should also realize that the contrary is true, and that the day has passed when Britain can give in to political agitation. Kenya, today, is far too important to the free world.

From the beginning, Sir, many have been dubious of the ability of Africans to prove themselves responsible people and with every week that passes, the behaviour of certain African Elected Members hardens those doubts. So from these Unofficial Back Benches I should like to appeal to those absent Members

[Commander Goord]
to confound the sceptics and to set themselves a political objective which is compatible with the Secretary of State's limitations, and to show themselves responsible people before it is too late.

There are two little quotations at the foot of my diary, Sir, with which I would like to conclude; they are extremely apt.

The first is: "He is a fool who leaves certainties for uncertainties". And the second is: "Folly for mortals is a self-chosen misfortune".

Sir, I beg to support the amendment.

SHEIKH MAJIDUDDIN MACKAWA: Mr. Speaker, Sir, I rise to support the Motion moved by the hon. Member for the Coast and I congratulate him. Really, Sir, the Arab group in this Council has maintained very good relationships with all the groups and I feel that would be a good thing, if all the groups got together and had an informal meeting to try to find ways and means of restoring harmony and mutual confidence which would be to the benefit of this country.

I see no reason why we should not sit together and discuss all our problems and grievances so that we could show the public of Kenya and the whole world that we are capable of solving our problems ourselves, the Kenya people, without any help or interference from anyone outside the country. I am sure, Sir, that if we did so, we would be able to remove the misunderstanding existing amongst the ignorance of each other's problems and social isolation.

Mr. Speaker, an understanding between all races in Kenya is very essential to the peace, prosperity and welfare of the country. Sir, there is no doubt that there has been a lot of misunderstanding between the groups due to the political changes of recent years. Nevertheless, we should forget what happened in the past between us and now, Sir, all races must recognize each other's status as an equal member of the family, and must play a greater part in the affairs of this country. Mr. Speaker, Sir, I would like to see that honest partnership established between all groups of this Council to secure an agreement of goodwill and mutual confidence between the four races—I always hear in this Council only three races, not four races—in

the best interests of peace and the progress of this Colony.

Mr. Speaker, Sir, I beg to support the Motion.

MR. JAMIDAR: Mr. Speaker, Sir, I rise to support the "original" Motion as proposed by the Mover. As a matter of fact, Sir, I fail to see myself the difference between the original Motion and, in fact, what purports to be its amendment. Probably the difference is much too subtle for my wits. And, therefore, Sir, whilst I am supporting the Motion itself, I would like to say this: that irrespective of whether the amendment is adopted or not, the remarks that I have to make will be fully applicable to the final result.

Mr. Speaker, Sir, let me not to the marriage of true minds admit impediments. Mr. Speaker, Sir, I would state that I find a very special significance in the fact that both this Motion and its amendment, or originally both the Motions, emanated from the European side of this House.

I find that, Mr. Speaker, Sir, evidence of the change of mood and evidence of the large fund of goodwill to which we have been referred to. Therefore, Mr. Speaker, Sir, instead of injecting racial venom into the debate of this House which I have been accused of doing before, I intend to inject rather a mild dose of the milk of human kindness.

Mr. Speaker, Sir, in this debate, I would like to point out that although we have been giving the impression to outsiders, to people outside the country and to people who have just come into the country, of extremely estranged racial relationships, extreme bitterness towards and hatred of each other, I have a feeling which is evidenced by the mood prevailing in this House of late that deep within us, in fact, there is a love of members of all the races. Although we are prepared, we may and we will whenever the occasion arises, abuse the Europeans to the best of our ability, but, Mr. Speaker, Sir, whilst we do so, we do at the same time realize, we do at the same time feel that in our heart of hearts, and there is this very great friendship and goodwill towards all. We are conscious of the fact that we cannot live without Europeans, and I am sure that they must feel that they cannot live without us;

[Mr. Jamirad] and both of us again feel that the country cannot prosper without the presence of both.

Mr. Speaker, Sir, the Africans now have been away from this Council for quite a fairly long time. That is extremely unfortunate. We are missing them very much in this House; we are missing their very characteristic eloquence and we are missing their approach which never fails to shed new light on existing problems. Effort has now to be made, Mr. Speaker, Sir, for getting these Africans back into the Council, for starting these talks, formal or informal, and creating an atmosphere in which the Africans will be able fully to participate. I have said it before, and I am prepared to say it against now: that this is an African country, and no political institutions in this country can survive for long effectively without the co-operation and without the support of the African community. Therefore, Sir, the aim of these informal talks that we intend to have in this country must be to try to secure the co-operation of the Africans reflected by the attendance of the African Elected Members in this Council as early as possible.

Sir, I have hopes that these discussions and these talks are not only going to remain informal for all time; I hope, Sir, that these will flower out in due course into formal discussions, into formal negotiations from which lasting results may finally be obtained.

Mr. Speaker, Sir, let by all means these discussions now start. I think it was Confucius who said "Let a hundred flowers bloom; let a hundred schools of thought contend". Mr. Speaker, Sir, if you like, let the number be restricted to 85.

Mr. Speaker, Sir, the psychologists have declared that ideas, feelings, emotions—if they are bottled up inside the human heart, inside the human personality—they only create nervous tension and nervous illness. Mr. Speaker, therefore, it is essential that people do deliver themselves of all that is eating them in this Council and outside this Council for then there will be a sense of relief; the sort of sense of relief that we have been experiencing ourselves

after our outburst on His Excellency's Address. It is extremely essential that democratic processes do remain smooth, that democratic processes do not become rusty as has happened in the absence of the African Members of late. It is essential that these African Members do come back and do, for once, again establish the democratic functioning of the Government of this country.

Mr. Speaker, Sir, I have noticed that in this House, although this House is designed as a talking shop for the primary purpose of talking out to each other, those who talk the least are the most respected. Therefore, Sir, I now stop speaking to join the happy band of these respected and respectable people.

Mr. TRAVADI: Mr. Speaker, Sir, after listening to the very few speakers, I am in a dilemma, and it is this: what are we after? Are we for the shadow or for the substance? In the original Motion and the amendment, there is very little difference so far as the motive goes.

According to the terms of the Motion and the amendment, everybody says that nothing could be achieved without either formal or informal discussions but the difference between the Motion and the amendment is this: the original Motion says that after having informal talks, the idea is that these talks are to be held with a view to the restoration of harmony and mutual confidence without which nothing constructive on any specific subject can be achieved; while the amendment at the end says to discuss matters on which there is any prospect of finding common ground only and the view is, with a view to encouraging harmony and understanding. Now, if I remember rightly, a letter did come to the Asian and Arab Elected Members' Organization from the Secretary of the Specially Elected Members' Organization; they wanted to have a sort of formal form of discussions on common subject, but they wanted to confine those subjects within the four corners of the Lennox-Boyd Constitution which has now been blessed by the hon. the Acting Chief Secretary who said that they would bless the amendment because it was within the four corners of the Lennox-Boyd despatch. Now, Sir, as far as the hon. Mover's Motion is concerned, it leaves the doors open and in case there is a

[Mr. Travadi] common compromise or a common consent or approval of all parties, we can even go beyond the four walls of the Secretary of State's despatch. If we adopt the amendment of the hon. Mover, then the door is not left open it remains closed and we go with a closed mind. Mr. Speaker, Sir, otherwise both the Motions really press for common understanding and a sort of creating of goodwill and confidence, as the common saying goes: hatred begets hatred and confidence begets confidence. And unless the party participating in these formal or informal discussions is put to or is promised to be put to on a par with the other party with whom he is negotiating, there would be no possibility of a common platform even for an informal meeting.

To me, when I am thinking on this subject, it appears—what is that which separates one group from the other, Africans from Europeans, Africans and Asians from Europeans; and even the Unofficial Members from the Officials? There must be some definite reason which keeps us apart. I have tried to analyse them, and I find that if certain fundamental declarations were made or if there was a promise made or a rule subscribed to, there would be a possibility of all parties getting together. The first one, Mr. Speaker, Sir, I would like to give is this: that if at any time any party, or I should say, the European group, would make a declaration or if the African group would agree to it: that the aim of the British Government in Kenya should be undiluted democracy leading to responsible self-government, by the target date I am giving—not today, I say—but say in 1957 or 1960, and that thereafter, a further declaration that this Colony should remain within the Commonwealth of Nations. This is the first fundamental if the parties have to gather together for formal or informal discussions—you have got to make a declaration, and I say in all humility that there is a possibility for bringing them nearer together.

The other one is: that all the communal rolls should progressively disappear before the target date, the target date of 1975, or, say, 1980—anyway, i.e. 15 or 20 years, within those years, by certain stages, the communal roll, both for Africans or for

Muslims or non-Muslims, should disappear.

The third one, I would say pending the introduction of common roll in this Colony, each major race should have equal representation in the Kenya Legislative Council, and even on the Council of Ministers to be based on adult universal franchise and that adequate representation be provided for Arabs—

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, is the future of the franchise anything to do with this Motion?

MR. TRAVADI: I am just—

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Sir, I asked for a ruling without the hon. Member saying "just".

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): After a point of order is raised, I must ask hon. Members to be seated until I have had an opportunity of deciding it or giving my ruling.

I was about to intervene to suggest to the present speaker that he is going a long way beyond the purpose of this Motion. He is dealing with all sorts of detailed matters that might arise or might in due course be discussed, but that is not the purpose of the Motion. The purpose of the Motion is whether or not there should be informal talks and discussions.

MR. TRAVADI: I apologize, Mr. Speaker, I was just narrating what—

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): On a point of order, Mr. Speaker, if Sir, you are asked for your ruling on a point of order, is it not in accordance with Standing Orders that no other Member may speak to that point of order without permission?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That is so.

MR. TRAVADI: Mr. Speaker, Sir, I would say that I would favour the Motion much more than the amendment, and I do not want to go into the details of this. I would not like to go into them deliberately. I was just pointing out why we were away from the other.

CAPTAIN HAMLEY: Mr. Speaker, Sir, I hope that no one will think that I am cynical and I hope that no one will think

[Capt. Hamley]

I am rude, but I wish someone would tell me what this is all about, because I do not understand the necessity for these flights of oratory at all. Here is a Motion before the House—in fact, a Motion with an amendment saying roughly the same thing—it says: "Let's all be friends and get on with the job". Well, no Government is going to oppose that; nobody is going to cavil at it. Why, therefore, does not everyone be friends and why do they not get on with the job and stop all this talking, Sir?

MR. HASSAN: Sir, I would like to support this Motion. I would like to follow the last speaker and sit down after speaking a few words, but I am afraid the Motion itself and the amendment that has been moved on the floor of this House compel me to speak a few words.

Sir, why I am supporting the Motion is because it gives some substance as to why we should ask for informal talks. We should ask for informal talks with a view to help get over the strained political relationships between the groups and to create harmony and mutual confidence which we had, say, about a year ago.

Unfortunately, the amendment cuts away these particular words of the original Motion. We know very well what are the reasons, what are the causes of the disturbance of the harmony and mutual confidence in this country. We know the Africans have left this Council and are not attending it, and we know their reasons, as to why they are not doing so. We know why all these things have brought us to an impasse. It is with a view to helping the Government and to assist the Secretary of State for the Colonies that in the first instance the Elected Members of this Council should sit together, have informal talks as friend to friend, and find out the reasons for the strained political relationships that we have between the different groups so that we will be able to see whether we can come to some sort of understanding to assist the Government and assist the Secretary of State for the Colonies. The Secretary of State for the Colonies has expressed on more than one occasion that he would certainly give consideration to anything that is put up by the united consent of the groups of this Council, supported by the Government.

As such, we will be doing something to help and assist to get over this present impasse and to assist the present Secretary of State for the Colonies.

We know, Sir, all of us, that the present state of affairs in which one major group is absent from this Council is likely to bring about some complications which will not be to the benefit of the complete co-operation which is necessary for the good of the country. With a view to putting a stop to it, if we cannot do anything else, at least we should create some sense of unity and co-operation in this country to be of some help to the Imperial Government.

The present situation that is now going on—we find that the position is getting from bad to worse. We are here representing the most powerful and important groups in this country and we know we are heading for a position where we are likely to create difficulty, economic, social and political. We ought, with the help and co-operation of all major groups, to create a formula for peace and good government in this country so that we should be in a position to lead the other African territories where they are having perpetual and permanent troubles.

I am afraid that the Specially Elected Member did not help us very much. Why the Africans failed during the Lennox-Boyd Constitution discussions was because they put a pistol to the heads of everybody.

The Africans wanted that everyone should agree to certain conditions before they would talk to anyone. Now, Sir, the same thing has, unfortunately been put up by the Specially Elected Members, and, I must say, Sir, even by the Acting Chief Secretary—that we should meet for informal talks which should not have anything to do with regard to the change of the Lennox-Boyd Constitution.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): On a point of order, Mr. Speaker, the hon. Member is most grossly misrepresenting what the hon. Specially Elected Member and what I said. I must really protest at what I can only suppose to be a deliberate misrepresentation of what was said.

MR. HASSAN: I would like to repeat what I said again, Sir, because I am afraid that he has misunderstood me.

[Mr. Hassan] The Specially Elected Member said that these talks should not be such that they should be within the limits of the Lennox-Boyd Constitution; and I said that.

MR. SLADE: Mr. Speaker, that is incorrect.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): Would you explain what you in fact said?

MR. SLADE: Mr. Speaker, for the record, what I did say—it will have been recorded twice now—was that there would be great advantage in discussing modifications of the Lennox-Boyd Constitution within the principles and framework that have now been set up; and I moreover read out a letter from the Chairman of the Specially Elected Members' Association inviting the African Elected Members to come and discuss that kind of constitutional development. But what the Specially Elected Members' Association said, and what I repeated here, was that it would have to be within the framework and on the basis of evolution from the present Constitution, rather than starting again.

MR. HASSAN: I think that the Chief Secretary will be satisfied with that; because I had a different letter from the Specially Elected Member to this effect—that he was prepared to arrange for us to have informal talks within the House provided the talks were within the framework of the Lennox-Boyd Constitution. This is exactly what I am saying. That means to limit our informal talk within a certain framework. That is the condition which is very strongly objected to by groups whenever they are called upon to have informal talks—the informal talks should be limited to so and so. This limitation demand in the informal talks is a matter which indicates that neither the Specially Elected Members nor the Government would like to touch the present most difficult problem which is causing trouble in this country; and the Africans have walked out of this Council. It is the very matter for which the Africans have walked out; and we wanted the Africans to come round the table with the Elected Members, and to put their cards on the table and tell us what their demands are and whether those demands are such

that we can come to some common ground.

If they are one of the major groups. Sir, then any major group can demand anything they like. What I feel, Sir, with a view to bringing about co-operation, with a view to bringing about unity, with a view to bringing about peace, for the good of this country, for the good development of this country, it is absolutely essential that informal talks, meetings should take place in the first instance with the Elected Members; and if they come to some understanding they should bring the Government group into it. It is then that we should be in a position to inform the Secretary of State for the Colonies that we have come to some understanding on some very important and very difficult subject and that he should help us.

With these few words, Sir, I support the Motion.

MR. COOKE: Sir, if I had thought that this Motion of mine would have caused such political disturbance I should not have brought it; and, indeed, in the various discussions which I had with you, Sir, and with others, about this Motion, I was under the impression that anything that had been debated previously within six months should not be debated here. You, Sir, were, of course, naturally, in the position—it is quite impossible to prevent people stippling certain things in which have nothing whatever to do with my Motion.

Now, Sir, I was surprised that the hon. Member of the amendment, who did have the courtesy either to inform me that he was moving an amendment or the courtesy to inform me that he was moving a Motion, should have taken the line which he did take, because, Sir, I can see no difference really between my Motion and his amendment. It is a distinction without a difference which I think my hon. friend Captain Hamley tried to say, although he did not speak long enough to convey that.

I said that we should enter into informal talks and discussions with a view to the restoration of harmony, and my friend urges us to meet informally to discuss matters upon which there is any prospect of finding common ground. For the life of me, Sir, I cannot see any

[Mr. Cooke] difference between the objects each of us had.

A nasty slant was put on the whole subject by my friend the Acting Chief Secretary who I brought not to go out of the House because I was going to say something nasty about him. I will now say the truth.

Now, Sir, my hon. friend—I thought it was out of order in this House to impute motives, but he started by imputing a motive to me. He said that the Mover's underlying objective was considerably more than informal contacts. Well, Sir, in the words of Mr. Balfour, which I think I am at liberty to quote because he was not called to order in the House of Commons for saying this, that, Sir, is a cold and calculated lie. On no occasion have I had any ulterior motive whatsoever in bringing this Motion. My motive was entirely to try to get the groups together on informal talks, and nothing else.

Having put on that nasty slant, Sir, my hon. friend then went on to say that the Government could not support the Motion. Well, Sir, people are known by the friends that they keep, and if that is really the support, the opinion of every Member on the other side of this House, and if they really think they are doing good to this country by taking the Government line, if they really conscientiously think so, well, I do not believe there is much happy future in front of this country before us.

Now, Sir, I was very sorry that my hon. friend the Mover of the amendment dealt in politics, because I had no intention and have no intention now of answering the political things he said; because, to begin with, I do not accept them, and it would take too long to show to this House the distortions in which he indulged.

My hon. friend the Specially Elected Member said that the four Specially Elected Members agreed with him. Well, I do not know, Sir, but one of the Specially Elected Members who is not here now told me that he was in agreement with my Motion; and there is something funny somewhere; and the other Specially Elected African Member is not here. I would not be a bit surprised if he, too, agreed with my

Motion. I see that my hon. friend the Acting Chief Secretary has returned and that he is probably receiving information of what I said. I do not know whether it would be in order to repeat it, but I should like to; and I say that I will give him an opportunity of apologizing for imputing motives to me. I will read out what he actually did say because I put it down very carefully. "The Mover's underlying objective was considerably more than informal contacts" and then I went on to say that that was a cold and calculated lie.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): On a point of order, Mr. Speaker. I will first of all reply to the allegation that I misrepresented what the hon. Member said by asking him to confirm or deny categorically whether he made any reference to an assembly under a chairman, whether he regards that as an informal talk, and whether he has any motive or has implied any motive of subsequent round table conference on constitutional matters.

MR. COOKE: I will certainly reply to that. Fortunately, Sir, I wrote down what I was going to say about that, and I have it here. What I asked for was informal talks so that we could see where we differed and where we agreed. I made no imputation. I denied neither implicitly or explicitly or made any reference whatsoever to a round table conference or anything of that nature because you, Sir, had warned me not to, if I may mention this, because you said it would be reopening another debate; and I still say to the hon. gentleman, if indeed I can use that expression to the hon. Member, that in his saying that the Mover's underlying objective was considerably more than contacts—

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, on a point of order, is it right to use insulting language about other Members of this House?

THE SPEAKER (Sir Ferdinand Cavendish-Bentlinck): It is entirely wrong and I think I must ask the hon. Member who is now speaking to cease imputing that the Acting Leader of the House has deliberately misrepresented him. It is quite untrue, in my opinion; and it is perfectly true that the hon. Member

[The Speaker] when he did move his Motion undoubtedly talked about a meeting presided over by a chairman from outside—which is hardly an entirely informal discussion.

MR. COOKE: Mr. Speaker, I was very careful to say that although it would be an informal meeting I considered it would be necessary to have a chairman in order to get rid of discursive conversations. That is what I said. Now, Sir, the hon. gentleman cannot get away from this—that he has imputed a motive. The underlying object—

THE SPEAKER (Sir Ferdinand Cavendish-Bentlinck): Order, order! I have ruled, Mr. Cooke, that in my opinion the hon. Member did not impute a motive in the sense of the term used. You must therefore not continue to impute improper motives to the hon. Member.

MR. COOKE: Yes, Sir, but I am permitted to say that I consider that a man has imputed improper motives. You have ruled that he did not, Sir, impute an improper motive.

Now, Sir, I am very sorry that my hon. friend the Specially Elected Member should also have indulged in politics because, as everybody with whom I discussed this matter not once but many times knows, especially with my hon. friend the leader of the Unofficial Members, who indeed helped me largely to write this Motion and to word it, it was very largely his wording—as I explained to him time after time when I talked to him I had no intention whatever of bringing politics into this Motion.

MR. SLADE: Are not these talks to be talks about politics?

MR. COOKE: I do not think so.

THE SPEAKER (Sir Ferdinand Cavendish-Bentlinck): Order, order!

MR. COOKE: I think that this Motion, at any rate, was to get together to talk about politics which I hope we will be able to do, but not in the Motion to talk about politics; and I was talking when I was interrupted about the Specially Elected Member, and I hope my hon. friend will confirm that—I do not doubt him a bit but there seems to be a bit of a misunderstanding and possibly my hon. friend the Specially Elected Member did

not quite understand the position and he made—what he said was misunderstood by both of us.

To turn to the hon. Mover of the amendment, he said—and I agree with him—that we have both asked for mutual harmony and confidence; and therefore I do not see why the hon. Member did not accept my Motion, because that was the whole object of getting together—for mutual harmony and confidence. He apparently suggests that we should get together in informal informal meetings, not informal meetings, but something more informal than my informal meetings. All I can say is that I wish him luck if he can bring some good out of those informal meetings.

He did make a remark, Sir, which I think I am in order in replying to, although it is a sense political.

THE SPEAKER (Sir Ferdinand Cavendish-Bentlinck): I did not call upon you to reply to the debate. I concluded that you rose to speak in opposition to the amendment, which, of course, you are quite at liberty to do. Are you now opposing the amendment?

MR. COOKE: Yes, Sir.

The hon. gentleman said in proposing the amendment that the African Members here had not the confidence of the African people. Well, if they had not got the confidence of the African people I think we should have some other mode of electing these gentlemen. They are all elected on a franchise which was devised by the Government itself and if you say now that those people do not—

MR. ALEXANDER: Mr. Speaker, on a point of order, on a point of explanation, I have no recollection of saying that the African Elected Members had not got the confidence of their people. What I did say was that the mass of Africans were interested in their social, educational, and economic progress and were not, I contended, so interested in this political talk that goes on.

MR. COOKE: I wrote down what the hon. Member said that the present Members were not representative of the Africans of this country. There is no use arguing that point any further.

Sir, I am sorry that this amendment has been put. I brought this Motion, Sir,

(Mr. Cooke)

Motions when I like—the hon. Member, I should have thought, would have encouraged his colleagues, or at any rate those who had supported me, to support me. But I am very sorry that this Motion has been lost.

I am afraid now that far more harm than good has been done. If I had known, as I have said before, that the Government was going to take the line it has taken I would not, under any consideration, have brought the Motion.

Question that the words proposed to be left out be left out put and carried.

Question that the words to be inserted therefor be inserted put and carried.

Question that the Motion as amended put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C.,
in the Chair]

The Defence Regulations Continuance Bill

Clauses 2 and 3 agreed to.

Title agreed to.

Clause 1 agreed to.

The Essential Services (Arbitration) (Amendment) Bill

Clauses 2, 3 and 4 agreed to.

Title agreed to.

Clause 1 agreed to.

The Methylated Spirits Bill

Clause 2

MR. TRAVADI: Mr. Chairman, I beg to move that the definitions of "sale by retail" and "sale by wholesaler" in clause 2 of the Bill be amended by substituting the words "four gallons" at the end thereof.

I would, in support, say, Mr. Chairman, that the arguments advanced yesterday were not so convincing which would force those merchants, chemists,

etc., to go to the extent of having a licence for a wholesale sale. It is putting them to a lot of expense for any methylated spirits over one gallon. I would therefore say that the limit for the retail sale should be up to four gallons and that the limit should also be four gallons for wholesale sale.

I therefore beg to move the amendment.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, Government is unable to accept this amendment. I explained yesterday the reasons why we want to restrict the quantity to one gallon only in the case of people who are not licensed traders. I also drew the attention of the hon. Member to clause 12 of the Bill which states that any person other than the holder of a licence can, by obtaining written permission of a licensing officer, possess more than one gallon of methylated spirits.

The object of this Bill, as I explained yesterday, is to control the possession of methylated spirits in order to prevent their being drunk as a beverage. If we were to increase the minimum quantity now laid down, that would defeat the object of this legislation.

Sir, I beg to oppose the amendment.

MR. TRAVADI: The provisions of clause 12, Mr. Chairman, actually do not apply to this case at all. This is for those who have no licence. But I am talking about the persons who go asking for a licence, and for every ounce over one gallon they have got to hold a licence. This clause 12 says: "Any person other than the holder of a licence . . ." So the reply given by the Minister does not apply at all.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I understood the hon. Member to say that the provisions of this clause would cause hardship to traders such as furniture makers. I do not see the necessity for a furniture maker to obtain a licence to possess methylated spirits in a greater quantity than he would require for the purposes of his trade. These licences are intended for traders who engage themselves normally in selling methylated spirits and not for people who use them incidentally for the purposes of their trade.

MR. TRAVADI: Mr. Chairman, they have to take a licence even for a retail sale, so that anyone who wants to sell more than one gallon of methylated spirits has got to take a licence for retail sale and they have got to take a licence also for more than one gallon for a wholesale sale. This applies to chemists, not only to furniture makers, but to grocers and many others. It is not reasonable to confine this only to furniture makers.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Obviously, Sir, there is confusion of thought here. If I might with your permission explain the position again, the Bill as it stands visualizes two types of traders who will be able to engage themselves in the sale of methylated spirits. The first type is the wholesale trader who will be permitted to possess more than any normal quantity possessed by an ordinary citizen. The second class covers the retail trader. The difference is that while the wholesale trader, as stated in clause 2 of the Bill, must sell at any one time to any one person a quantity exceeding one gallon, a retail trader may not sell to any one person at any one time a quantity exceeding one gallon. These will be the people who normally trade in methylated spirits. We here do not contemplate people who will require methylated spirits for the purposes of their trade, other than normal disposal of methylated spirits by a trader.

If my friend can point out to me any specific case where this definition would cause hardship, I would be prepared to consider it but what I think—and I say this with respect to him—is that he is confusing the functions of an ordinary, normal trader with those of a user of methylated spirits.

MR. TRAVADI: Mr. Chairman, I would only say that the merchant who wants to sell by retail trade one gallon of methylated spirits will never have to apply for a licence and those who sell over one gallon will have to apply for a licence, so that trouble would arise, and the man who goes for a retail licence will pay more money and that money will have actually to be paid by the consumer. So I say that the limit of one gallon should be raised to four gallons and that the limit of over four gallons should be con-

lined to the wholesaler. That is the reason why I am pressing for that.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I do not know, Sir, what else I can do to explain the position. My friend just refuses to understand it. The Bill visualizes two types of licences—the retail licence and the wholesaler. The wholesaler has certain obligations placed on him by the provisions of clause 7 of the Bill. It is for that reason that he will be in a privileged position and be able to possess a greater quantity of methylated spirits than a retail trader or a person holding a retail licence. The whole object of the Bill is that the possession of methylated spirits should be controlled, not only by licensing traders but also by sale; and the intention is that no person who requires methylated spirits for normal use should be in possession of more than one gallon at a time unless, of course, as I have already stated, he is able to satisfy a licensing officer, under the provisions of clause 12, that he should be granted a permit to possess more than one gallon.

Question that the words proposed to be left out in the definition of the sale by retail be left out put and negatived.

Question that the words proposed to be left out in the definition of sale by wholesale be left out put and negatived.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4

MR. TRAVADI: I would like to propose an amendment about the words "five thousand shillings" in line 6 of clause 4.

THE CHAIRMAN (Mr. Conroy): But you have not given notice of this, Mr. Travadi.

MR. TRAVADI: Actually, it escaped my notice, no doubt, but the other one on clause 6 (4) is of the same type and I would like to move this as well.

THE CHAIRMAN (Mr. Conroy): You have given notice of amendments to clauses 6 and 20. We are now dealing with clause 4. I am afraid I have got no power to allow you to move an amendment for which notice has not been given.

MR. TRAVADI: It is just like a consequential one. I did give notice of

[Mr. Travadi] amendments to clauses 2 and 6 and 1 forgot to give notice of this one.

THE CHAIRMAN (Mr. Conroy): I do not think it is a consequential amendment, nor have I got any authority—

MR. TRAVADI: It did escape my notice, Mr. Chairman.

THE CHAIRMAN (Mr. Conroy): I am afraid, Mr. Travadi, that I have got no authority under Standing Orders to allow you to move the amendment.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6

MR. TRAVADI: Clause 6, sub-clause (4), I would like to move that the words "two thousand" be substituted for the words "five thousand" so that the clause would read like this: "Every person who knowingly makes any false declaration for an application for a licence shall be guilty of an offence against this Ordinance and shall be liable on conviction therefore to a fine not exceeding two thousand shillings".

Mr. Chairman, this penalty clause is meant for the person who makes application for a licence and it is not actually meant for the drunkard who drinks methylated spirits. I therefore say that it is too big a fine to impose on a person who just makes mistakes here and there. It appears to me that this penalty is much greater than anything that appeared in the original Ordinance which was Sh. 500.

I therefore move that this should be reduced to Sh. 2,000.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, Sir, the hon. Member really should read the sub-section which he is seeking to amend. The sub-section postulates an offence of knowingly making a false declaration. It is not a question of "a mistake here or there" as he has tried to lead us to believe. It is the offence of knowingly making a false declaration, and to suggest that a fine of Sh. 5,000 without any imprisonment in the penalty is an excessive penalty for that sort of offence is quite unacceptable to Government.

Question that the words proposed to be left out, be left out, put and negated.

Clause 6 agreed to.

Clauses 7 to 19 agreed to.

Clause 20

MR. TRAVADI: I beg to move that clause 20 (1) (a) be amended to read: "two thousand shillings" instead of "five thousand shillings". I would also move that in clause 20 (1) (b) the words "three years or to a fine not exceeding thirty thousand shillings" be replaced by the words "six months or to a fine not exceeding five thousand shillings".

My arguments really are the same as I used just now, and I further emphasize that a penalty of the kind proposed by me for a general offence is, in my opinion, more than the offence merits.

I therefore move these amendments.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, Government is unable to accept either of the two amendments. I find it difficult to generate any sympathy in my heart for peddlers of poison which I think the sellers of methylated spirits are, when it is sold as a beverage for consumption by unsuspecting people—and also when it is sold to make an illicit profit.

The hon. Member has referred to this clause as a general penalty clause. He has only got to look at the nature of the offences to which these penalties are related to convince himself that the penalties should be as stringent as we can make them, so that they will act as a real deterrent.

Question that the words proposed to be left out of sub-section (1) (a) be left out put and negated.

Question that the words proposed to be left out of sub-section (1) (b) be left out put and negated.

Clause 20 agreed to.

Clauses 21, 22 and 23 agreed to.

Title agreed to.

Clause 1 agreed to.

The Entertainments Tax (Amendment) Bill

Clauses 2 to 7 agreed to.

Title agreed to.

Clause 1 agreed to.

THE ACTING CHIEF SECRETARY (Mr. Griffith-Jones): Mr. Chairman, I beg to move that the Defence Regulations Continuance Bill, the Essential Services (Arbitration) (Amendment) Bill, the Methylated Spirits Bill and the Entertainments Tax (Amendment) Bill be reported to the Council.

The question was put and carried.

Council resumed.

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair)

REPORTS AND THIRD READINGS

The Defence Regulations Continuance Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Defence Regulations Continuance Bill and has approved the same without amendment.

The question was put and carried.

Mr. Speaker, I beg to move that the Defence Regulations Continuance Bill be now read a Third Time.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Essential Services (Arbitration) (Amendment) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Essential Services (Arbitration) (Amendment) Bill and has approved the same without amendment.

The question was put and carried.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Essential Services (Arbitration) (Amendment) Bill, 1958, be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Methylated Spirits Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I have to report that a Committee of the whole Council has considered the Methylated Spirits Bill and approved the same without amendment.

The question was put and carried.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to move that the Methylated Spirits Bill be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Entertainments Tax (Amendment) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Entertainments Tax (Amendment) Bill and has approved the same without amendment.

The question was put and carried.

MR. MACKENZIE: Mr. Speaker, Sir, I beg to move that the Entertainments Tax (Amendment) Bill be now read a Third Time.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business which is on the Order Paper for today, and in accordance with the announcement made yesterday I adjourn Council until 2.30 p.m. on Tuesday next, 9th December.

The House rose at fifteen minutes past five o'clock.

Tuesday, 9th December, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Cotton Lint and Seed Marketing Board Third Annual Report and Accounts for the year ended 31st October, 1957.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))

The Education (Arab Lower Primary Teachers Certificate) Rules, 1958.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson))

ORAL ANSWERS TO QUESTIONS

QUESTION No. 67

Mr. KITUMBI asked the Minister for Internal Security and Defence:—

(a) What action was taken on the recently published attack on Kenyatta by Chotara at Lokitaung prison?

(b) On what date will Kenyatta complete his prison sentence?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): (a) At the request of the Officer in charge of the prison, a Visiting Justice heard and determined the charge against Chotara, whom he found guilty of an offence under the Prisons Ordinance, and whom he punished by ordering seven days' solitary confinement, seven days' reduced diet, and six strokes with an approved cane. The Commissioner of Prisons confirmed and enhanced the sentence in accordance with section 88 of the Prisons Ordinance by ordering 12 strokes with an approved cane instead of the six ordered by the Visiting Justice.

(b) Kenyatta was sentenced to seven years' imprisonment for Managing an Unlawful Society, *contra* section 70 of the Penal Code and to three years' imprisonment for Being a Member of an

Unlawful Society, *contra* section 71 (a) of the Penal Code, the sentences to run concurrently. He elected to await the outcome of his appeal before starting to serve his sentence, which consequently took effect from 15th January, 1954. A convict undergoing a sentence of imprisonment of three years or more who has been of good behaviour in jail may be licensed to be at large under the terms of Part XIII of the Prisons Ordinance when he has completed three-quarters of his sentence. Should Kenyatta qualify he may be licensed accordingly on 14th April, 1959. A decision to license cannot be taken until the expiry of the qualifying period. It is the Government's intention, however, which has frequently been reiterated, to restrict him on the termination of his period of imprisonment, whenever that may be, in accordance with the recommendation of the convicting court.

QUESTION No. 77

Mrs. HUGHES asked the Minister for Local Government, Health and Town Planning:—

(a) Whether the Eldoret Municipality (Milk and Dairies) (Amendment) By-laws 1958, have been brought into force?

(b) What objections have been lodged to these by-laws?

(c) How many townships have similar by-laws requiring compulsory pasteurization of milk and whether they introduced such by-laws for reasons of health?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): (a) No, Sir.

(b) I am advised that some objections to the By-laws have been submitted to the Town Clerk, Eldoret, but I have not yet been informed of the terms of the objections.

(c) The only township, or rather Municipal Board, with similar By-laws requiring compulsory pasteurization of milk is Kitumu. Those By-laws were naturally introduced mainly for reasons of health.

Mrs. HUGHES: Mr. Speaker, Sir, will the Minister ensure that these draft By-laws are considered by the new council when elected?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): Yes, Sir, I will give that assurance.

RULING ON POINT OF ORDER

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, with your permission I would like to revert to the point of order which I took on Thursday last, following certain exchanges between the hon. Member for the Coast and myself. I have—as I hope he has—consulted HANSARD, and it would appear, Sir, from HANSARD that whilst I was out of the Chamber the hon. Member said this—and I quote:—

"Now, Sir, my hon. friend—I thought it was out of order in this House to impute motives, but he started by imputing a motive to me. He said that the Mover's underlying objective was considerably more than informal contacts. Well, Sir, in the words of Mr. Balfour, which I think I am at liberty to quote because he was not called to order in the House of Commons for saying this, that Sir, is a cold and calculated lie."

On my return to the Chamber, the hon. Member said this—and I quote: "I see that my hon. friend the Acting Chief Secretary has returned and that he is probably receiving information of what I said. I do not know whether it would be in order to repeat it, but I should like to; and I say that I will give him an opportunity of apologizing for imputing motives to me. I will read out what he actually did say because I put it down very carefully. The Mover's underlying objective was considerably more than informal contacts, and then I went on to say that that was a cold and calculated lie."

Now, Sir, on the second occasion, that is to say when I was in the House, there was no qualification by any reference to quotation or to Mr. Balfour, and indeed, as Erskine May points out in his Sixteenth Edition, page 459: "A Member is not allowed to use unparliamentary words by the device of putting them into someone else's mouth." I have here authorities running from 1952 to 1956 and whereby the words "lie", "lies", and "liar" have all been ruled out of order

consistently in practically every legislation in the Commonwealth.

I therefore suggest to you respectfully, Mr. Speaker, that the hon. Member must be required to withdraw those words, that what I said was a cold and calculated lie. That is the first application I make.

The second is that after this exchange the hon. Member went on—and I quote from HANSARD—"and I still say to the hon. gentleman, if indeed I can use that expression to the hon. Member. . . ." Sir, there was in my mind—and can have been, I think, in everybody else's mind—no possible doubt whatsoever that that was a deliberately offensive and abusive remark.

I had hoped, that, as he had indicated on Thursday, having checked with his HANSARD, he would unreservedly withdraw. He has not seen fit to do so and I therefore feel obliged to bring the discipline of the House to bear upon him.

THE SPEAKER (Sir Ferdinand-Cavendish-Bentinck): I have just sent for a copy of HANSARD of Thursday, 4th December, and I see, as regards first, the second point raised by the hon. Member, that on Thursday last I asked Mr. Griffith-Jones, who has just spoken, to quote what he understood had been said. He did quote and said that what had been said by Mr. Cooke was "The hon. gentleman, if he can indeed be referred to as such." I then said, "If that was said, then I must ask the hon. gentleman, who said that to withdraw it." Mr. Cooke replied, "I certainly withdraw it if I said that, but I will, at the same time, have to consult HANSARD."

I take it—and no doubt Mr. Cooke would confirm this—that that particular expression was withdrawn last Thursday and still remains withdrawn.

As regards the first point which was the question of accusing the hon. Member of deliberately lying, I see that what I said there was: "I think I ruled that it was not. If we see in HANSARD that such a statement was made in an offensive manner then I shall certainly ask the hon. Member to withdraw it." I had previously said that I had not heard him say so. If I understood what he said at the time, it really was a quotation from

[The Speaker] some other HANSARD of what took place many years ago. It was not really meant to impute that the Hon. Mr. Griffith-Jones was telling a direct lie. Had I thought that there had been any such imputation, I would most certainly have intervened at the time. What I imagined the hon. Member meant to impute to those who argued against his Motion was that one or two of them may have misrepresented his arguments. I do not think he can possibly have meant to accuse them of deliberately lying.

If he did so, I must now ask the hon. Member to withdraw that.

MR. COOKE: Sir, as I said this morning I imputed that he deliberately misrepresented me and that is all I meant, that he deliberately misrepresented me.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): I take it, therefore, Sir, that the words "cold and calculated lie", as applied to what I said, are withdrawn. Would the hon. Member confirm that?

MR. COOKE: The hon. gentleman knows quite well, I think, Sir, that the matter has been reported to the Government by me and is now *sub judice*.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think I must ask the hon. Member who said he would accept that what he really meant was that those who opposed the Motion, or, at any rate, Mr. Griffith-Jones, in opposing the Motion—he meant to suggest that he had misrepresented his argument; he did not wish to say that the was deliberately lying. I think he must say that.

MR. COOKE: As I said this morning, Sir, if I may quote again, I meant that the hon. gentleman has deliberately misrepresented what I said. That is as far as I went when I made those remarks.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): May I ask, Sir, categorically that the words applied to what I had said—"a cold and calculated lie"—be withdrawn by the hon. Member.

SEVERAL HON. MEMBERS: Hear, hear!

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think the hon. Member must withdraw those words.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Withdraw!

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Cooke, I must ask you to withdraw those words.

MR. COOKE: But you said, Sir, to the effect that if I said I meant deliberately misrepresented, then that was sufficient; and that was what I meant. And the matter is now *sub judice*—I have already

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Cooke, I think you must withdraw the word "liar".

MR. COOKE: Well, Sir, that is not what we arranged.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Withdraw!

MR. COOKE: I will not withdraw. For many reasons, and I think it is much better—

HON. MEMBERS: Order, order!

THE CHIEF SECRETARY (Mr. Couitts): Mr. Speaker, Sir, really on behalf of the Government, you have given a ruling, and I would ask you to ask the hon. gentleman to withdraw.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I must ask you to withdraw the word "liar".

MR. COOKE: Sir, the—

HON. MEMBERS: Order, order!

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Will you please stand up when you address the Chair.

MR. COOKE: No, I—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Cooke, if you do not, I shall have to suspend you for the remainder of the day.

MR. COOKE: No, Sir, I will not withdraw.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Cooke, if you do not withdraw the word "liar", I am afraid I must suspend you for the remainder of the day's sitting.

MR. COOKE: Yes, Sir.

(Mr. Cooke withdrew.)

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentick, K.B.E., C.M.G., M.C. in the Chair]

The Fencing Bill

Clause 2 agreed to.

Clause 3

MR. WEBB: Mr. Chairman, I beg to move that clause 3 of the Bill be deleted and that the following new clause be substituted therefor: "An occupier desiring to have a fence erected and to apply the provisions of section 7 to such fence may serve on the adjoining occupier a notice to fence in the prescribed form".

Mr. Chairman, in the course of the Second Reading debate last week, various hon. Members referred to the fact that the Schedule to the Bill, which contains the notice of intention to fence, contained also the specifications of in fact only one kind of fence, despite the fact that the word as defined in clause 2 of the Bill envisages a whole lot of different kinds of fence. On reflection, it seemed better to have an amendment which would allow the kind of fence, or different kinds of fence, to be prescribed by rules which the Minister is empowered to make under clause 24 rather than to have one restricted kind in the Schedule.

The effect of this amendment, Mr. Chairman, will simply be to enable the Minister to incorporate what is the substance of the present Schedule in rules, and then lay down a number of different specifications according to different kinds of fences or barriers which people wish to erect.

LT.-COL. MCKENZIE: Mr. Chairman, may I ask for clarification. Perhaps the Minister could give us an example of just how it will take place. What I am perturbed about is that if A wished to fence he will write to B and inform him he wishes to put up a certain type of fence. What I would like to know is, when does the Minister come in with his prescribed form? Is he going to prescribe areas to certain forms, or will a copy of the original letter from occupier A to occupier B go to the Minister? What I cannot quite make out is how the Minister comes into it, either to indi-

cate or nominate what type of fence in fact will be used.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I want first of all to put the amendment.

Question proposed.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, when the Bill is enacted, I shall consult with the Board of Agriculture and attempt, as reasonably and fairly as may be possible, to lay down in the Schedule the forms of fence which farmers might wish to interpose between themselves. I would endeavour to cover all the more normal fenceings together with specifications duly advised by persons daily in the agricultural industry. If a farmer wished to interpose a fence between himself and another person different from that which I have laid down in the Schedule, then it would either be a matter for agreement between them in which case there would be no dispute; or if the farmer upon whom the notice was being served disagreed, it would be for him to appeal to the Agricultural Committee, who would presumably advise on the matter, bearing in mind what the Minister had already laid down in the Schedule.

LT.-COL. MCKENZIE: Mr. Chairman, do I in fact gather that when occupier A writes to occupier B, by that time there will be a prescribed form which the Minister will have sent out to both.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): That, I think, Sir, is the only way to do it. I would like to give the hon. gentleman an instance: if, for instance, he informed his neighbour that he proposed to interpose between himself and his neighbour a sial fence, the Schedule which I would lay down certainly would not apply, and the neighbour would be entitled to object to a sial fence between himself, and the hon. Member opposite. I feel that we ought to produce, as soon as we can after the passing of the Bill, the Schedule, then farmers will have a signpost, as it were, which they can follow.

Question that clause 3 be left out of the Bill put and carried.

Question that the new clause 3 be inserted in place thereof put and carried.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5

MR. WEBB: Mr. Chairman, I beg to move that sub-section (4) of clause 5 of the Bill be amended by adding two new paragraphs to the proviso thereto:

"the Minister shall appoint a person to be the chairman of a joint tribunal;

the decision of the joint tribunal shall be certified by the chairman of the joint tribunal."

Mr. Chairman, this amendment arises out of a further suggestion made, I think, by my hon. and learned friend, the Specially Elected Member, Mr. Slade, that appeals from a decision of an Agricultural committee should go to the Agricultural Appeals Tribunal which has been constituted under the Agriculture Ordinance, 1955. In order to give effect to that amendment, it is necessary to delete clause 6 (which will be the subject of an amendment which I shall move in due course); clause 6 (3), however, as it stands in the Bill, deals with the case which is provided for in the proviso to clause 5, sub-section (4); that is, where the adjoining holdings are in different agricultural areas, and therefore a joint tribunal is appointed. That sub-section, sub-section (3) of clause 6, provides for the certification of the opinion of that joint tribunal. The second of the amendments which I move now to this clause therefore deals with that point.

The second point (which is really unrelated to this amendment) is that it has been suggested, I think by my hon. and gallant friend, the Specially Elected Member, Col. Bruce McKenzie, that where you got a joint tribunal, which would consist of six persons, there might be grave difficulty in arriving at a decision if for some reason they felt very strongly on opposite sides of the fence. Therefore, we propose that in that case, the Minister should appoint a person to be chairman of that joint tribunal, and he will then certify the decision of the joint tribunal.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): Do you intend to renumber these paragraphs as (v) and (vi)?

MR. WEBB: I think it would actually be more convenient to put one in between numbers (ii) and (iii) and the other one at the end. However, I do not think we need renumber them, under Standing Orders.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): They will be renumbered, will they?

MR. WEBB: They will be numbered, yes, Sir.

Question proposed

Question that the paragraphs proposed to be inserted be inserted put and carried.

Clause 5, as amended, agreed to.

Clause 6

MR. WEBB: Mr. Chairman, for the reasons which I have just given, I move that clause 6 of the Bill be deleted. As hon. Members will have seen on the notice paper, it is proposed to add a new clause to the Bill dealing with appeals.

Question proposed

Question that clause 6 of the Bill be deleted put and carried.

Clause 7

LT.-COL. MCKENZIE: Mr. Chairman on a point of explanation, under clause 7 (4), if a man is not too keen on fencing, he has 60 days before it goes to appeal, then he starts work and he has another 30 days to put in one post and then he has another 30 days. To me, Sir, this means that he can go on for about 30 years if he wishes to, by just digging one pole every 30 days; because, of course, he is actually moving along and fencing. What I feel may happen, Sir, especially with development, is that you are going to get a farmer who may not want to develop as quickly as his neighbour, and especially perhaps with pig fencing and sheep fencing—and I think that this is where a difficulty may come about. What I would like to know is, is there a point where you can take over and put the fence in when he is moving at the rate of, say, a yard a week, or a yard a year.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): So far as I am concerned, I am quite satisfied with the clause as drafted. The hon. Member did not give notice of this the other day but I would like to submit to the Council that the clause should proceed as drafted.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): I do not think the hon. Member is proposing an amendment. He is merely asking for an explanation.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): It seems to me, Mr. Chairman, that if after 30 days he has failed to continue then it will be possible to take action against him. I believe that if he put a post in every 30 days, then even the law officers would advise me that he was not carrying out the intention of the Ordinance.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Chairman, I think it is very largely a question of what construction one puts on the word "continue". I think that any reasonable interpretation would import a degree of diligence and not merely the shadow of continuance without the substance. It is not perhaps as entirely precise as the hon. Member opposite would wish and, if I may, Mr. Chairman, have just a moment with my hon. colleague we may be able to achieve an answer that will satisfy both sides of the House.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman I am prepared to suggest to the hon. Member that we should add the word "diligently".

Mr. Chairman, I am now advised that we should substitute in place of the words "for a period of 30 days" the word "diligently".

LT.-COL. MCKENZIE: This was raised before.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): It is not in my copy of the hon. Member's speech, Sir, in HANSARD.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): Is it proposed that sub-

clause 4 (b) of clause 7 should now read "... having begun the work fails diligently to continue it" instead of "having begun the work fails in 30 days to continue it"?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Yes, Sir.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): And the Government will accept that although no notice has been given.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Yes, Sir, it is moved by the Minister in charge of the Bill, who is entitled to move it without notice.

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): I am just trying to make that clear.

Question proposed

Question that the words proposed to be deleted be deleted put and carried.

Question that the word proposed to be inserted in place thereof be inserted put and carried.

Clause 7, as amended, agreed to.

Clause 8

MR. WEBB: Mr. Chairman, I beg to move that sub-section (3) of clause 8 of the Bill be amended by deleting all the words after the words "such reference" which appear in the sixth line thereof. This amendment is consequential upon the substitution of the Agricultural Appeals Tribunal as the appellate body.

Question proposed

THE CHAIRMAN (Sir Ferdinand Caven-dish-Bentick): I presume that there will be a full stop after the word "reference".

MR. WEBB: Yes, Sir.

Question that the words proposed to be deleted be deleted put and carried.

Clause 8, as amended, agreed to.

Clauses 9, 10 and 11 agreed to.

Clause 12

MR. WEBB: Mr. Chairman, I beg to move that sub-section (2) of clause 12 of the Bill be deleted. This is a further reference to the appeal provision which we have deleted.

THE CHAIRMAN (Sir Ferdinand-Cavendish-Bentfick): Sub-clause (3) remains.

MR. WEBB: Yes, Sir. It will become sub-clause (2).

Question proposed.

Question that the clause proposed to be deleted be deleted put and carried.

Clause 12, as amended, agreed to.

Clauses 13, 14 and 15 agreed to.

Clause 16

LT.-COL. MCKENZIE: Mr. Chairman, I wonder if the legal people could explain a point to me. What worries me, Sir, is at what stage in a proceedings can a mortgage-holder—in some leases which are on 99 years I think the Government could step in, because after all they are paid a land rent under the 99 years' agreement. A large mortgage-holder who does not wish to see a continuous ding-dong battle—at what stage does he come in, or cannot he come in at any stage?

MR. WEBB: Mr. Chairman, I think the position about a mortgagee, that is the person who has lent the money, is that he has no *locus standi* in this matter at all. He has merely got the security of the land for his loan, so he cannot intervene under this clause at all. A lessor and a lessee have perfectly clear positions in the law, and it would be that the lessor, who could under this clause intervene in certain circumstances. The Crown would not be implicated unless it was a direct lease from the Crown and not a Crown grant, which would not be in the form of a lease. That is rather a different thing.

LT.-COL. MCKENZIE: Most mortgage-holders have a clause in the agreement that the farm must be farmed properly and well maintained. What I am trying to get at, Sir, is would that cover that? Would it in fact be that at no stage could a mortgage-holder come in on this?

MR. WEBB: No, Sir.

Clause 16 agreed to.

Clause 17 agreed to.

Clause 18

MR. WEBB: Mr. Chairman, I beg to move that clause 18 be amended by

inserting therein, immediately before the word "negligence" which appears in the fourth line, the words "malice or". This amendment, Mr. Chairman, is to meet a point raised by my hon. and learned friend the Specially Elected Member, Mr. Slade.

Question proposed.

LT.-COL. MCKENZIE: What is the position on electrical fencing? This is a point which has been raised outside the House.

MR. SLADE: Mr. Chairman, Sir, I do not really think that any point arises in connexion with electrical fencing. It would have to be an injury, and as far as I am aware no electrical fencing can really cause an injury to a person unless something has gone wrong. In that case there would only be liability under this clause if there was malice or negligence. A properly put up and maintained electric fence would not give rise to any form of action under this clause.

Question that the words to be inserted be inserted put and carried.

Clause 18 agreed to.

Clauses 19, 20 and 21 agreed to.

Clause 22

MR. WEBB: Mr. Chairman, I beg to move that clause 22 be amended by inserting immediately after the words "lawful excuse", which appear in the first line the words "or authority". This amendment, Mr. Chairman, is designed to cover the point which I think my hon. and learned friend, Mr. Slade, raised about the permission given by an owner. I had some misgivings as to whether an amendment was really necessary, because it seemed to me that if an owner gave permission then there was a lawful excuse, but the phrase "lawful excuse or authority" is one well known in law and statutes of this kind and therefore, for an abundance of caution, I move the amendment.

MR. SLADE: Mr. Chairman, I think that amendment meets my point very well.

Question that the words to be inserted be inserted put and carried.

Clause 22 as amended agreed to.

Clause 23 agreed to.

Clause 24

LT.-COL. MCKENZIE: Mr. Chairman, could I have an assurance from the Minister that he does agree that fencing with an electric wire in the fencing is permissible under this Ordinance—or not.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I will not be able to give the hon. Member that assurance. I will tell him why. I would naturally consider the point in drafting the Schedule under this clause, but I would be unwilling to give the hon. Member an assurance, because in very dry weather, as the hon. Member knows, electric fences often fail to work and I think really the matter must be decided in the light of the functions of the fence. If it were to be a permanent fence between farms I would not consider a single strand electric fence over a long period of dry weather sufficient, and I think it is only fair to say that to the hon. Member. In other words, I am not prepared to give him an assurance. He will have to rest confident that I will do what I consider is right in drafting this Schedule, bearing in mind all the difficulties that arise out of electric fencing.

MR. GUNSON: Mr. Chairman, I would like to suggest that an electric fence is not a fence under the Ordinance. It is not the type of fence that we were considering when we were going through the draft Fencing Bill. I should like to suggest that it is not a fence.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, I would suggest with respect to the hon. Member that whatever may or may not have been considered when drafting the Bill what is a fence and what is not a fence will entirely depend on what the Minister puts in the Schedule.

Clause 24 agreed to.

Clause 25 agreed to.

New Clause

MR. WEBB: Mr. Chairman, Sir, I beg to move that a new clause be added to the Bill, in the terms of the notice. This reads as follows: "Any person aggrieved by any decision of an Agricultural Committee or by a joint tribunal constituted

by virtue of the proviso to sub-section (4) of section 5 may appeal to the Agricultural Appeals Tribunal established under Part XI of the Agriculture Ordinance, 1955, and the provisions of that Part shall, *mutatis mutandis*, apply in relation to every such appeal."

This, Mr. Chairman, is of course the clause which makes provision for appeals which have been taken out of the Bill so far and; as suggested by my hon. and learned friend, Mr. Slade, substitutes the Agricultural Appeals Tribunal for a subordinate court.

New clause read a first time.

The question that the new clause be read a second time was put and carried.

The question that the new clause be added to the Bill was put and carried.

Schedule

MR. WEBB: Mr. Chairman, I beg to move that the Schedule to the Bill be deleted. As I suggested, Mr. Chairman, when introducing the first of these amendments it is thought that it would be better to provide for a number of specifications for different kinds of fences and that we should also specify, in the rules, the appropriate one to use in any particular case. I think this meets the point which my hon. and gallant friend, Lt.-Col. Bruce McKenzie, raised when speaking about clause 3. There will not be a Schedule in the Bill but there quite definitely will be a statutory form of notice of intention to fence, which will have no doubt, in the words which I now appear in the Schedule, but instead of being in the Schedule they will appear in rules which the Minister will make under clause 24.

Question proposed.

The question was put and carried.

Title agreed to.

Clause 1

MR. WEBB: Mr. Chairman, I am afraid I have been on this fence for a very long time this afternoon. I now beg finally to move that sub-section (2) of clause 1 be amended by adding two new paragraphs at the end of the proviso thereto: "(iv) Royal National Parks and national reserves, as defined in the Royal National Parks of Kenya Ordinance;"

[Mr. Webb]

"(v) native reserves, temporary native reserves, native settlement areas, native leasehold areas and communal reserves, as defined in Part VI of the Crown Lands Ordinance, and any area in respect of which an occupation permit granted to an African tribe under section 69 of that Ordinance is currently valid."

Mr. Chairman, sub-section (2) of clause 1 of the Bill provides for the application of the Ordinance in its amended form, to the Scheduled Areas. The proviso removes from the Scheduled Areas certain areas to which the Ordinance shall not apply, and it is now proposed to add to the proviso these two new areas, National Parks and the native areas under the Crown Lands Ordinance. The reason, of course, Mr. Chairman, is that the expense involved on the Crown or on the Trustees of the Royal National Parks would be excessive and that, in any event, it is probably not necessary to provide for the compulsory fencing of these areas.

LT.-COL. MCKENZIE: Mr. Chairman, when I was speaking on this Bill the other day I did mention semi-Crown organizations—I saw a lot of nodding and shaking of heads on the other side, and I did not know which was meant for which. What I would like from the Minister under this Ordinance is an assurance that when there are semi-Crown or Government organizations such as the Plant Breeding Stations, Artificial Insemination Stations—that where they are situated near progressive farming areas, whether he would be willing to say that if possible they will adhere to the Fencing Ordinance in paying their way with the next door farmers. I know that there is no legal binding on them, but would he be prepared to say, if they were in good farming areas that they would be prepared to do so?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, in reply to the hon. and gallant Specially Elected Member, Lt.-Col. McKenzie, may I say what pleasure it has given me to see the great interest the Specially Elected Members have taken in this

Ordinance. I can only assume that having no electorate to create disharmony, indeed having a harmonious electorate, they have time to devote themselves to the real business of this Council. Having said that, Mr. Chairman, may I say I am glad to give the hon. Member that assurance.

Question proposed.

The question was put and carried.

Clause 1 as amended agreed to.

THE CHIEF SECRETARY (Mr. Coutts). Mr. Chairman, I beg to move that the Committee do report to Council that it has considered and gone through the Fencing Bill and approved the same with amendments.

The question was put and carried.

Council resolved.

[Mr. Speaker (Sir Ferdinand Caven-dish-Bentinck) in the Chair.]

REPORT

The Fencing Bill

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I beg to report that a Committee of this Council has gone through the Fencing Bill and considered it with numerous amendments, and this Council doth agree with this Committee in the said report.

Report ordered to be considered tomorrow.

MOTIONS

LAND OCCUPATION AND OWNERSHIP

MR. NAZARETH: Mr. Speaker, Sir, I beg to move that this Council considers the policy of the Government in regard to the removal of racial restrictions on ownership and occupation of land in townships and municipalities to be quite inadequate and against the public interest, and urges Government, with all speed, to introduce legislation to render null or unenforceable all restrictions, whether by private covenant or otherwise, which limit ownership or occupation of land in townships and municipalities (including the City of Nairobi) to a particular race, provided that if the African community so desires the *status quo* in regard to land reserved for African use and occupation may be maintained for such period and to such

[Mr. Nazareth]

extent as may be necessary or desirable to protect Africans against economically more advanced sections of the population.

Mr. Speaker, Sir, as I stated when I gave notice of this Motion, it is a Group Motion moved on behalf of the Asian and Arab Elected Members' Organization, with the full support of that organization. It is to be regretted that this Motion has become necessary. Government has recently given an opportunity to revise its policy in regard to racial restrictions, which form the subject of this Motion but, unfortunately, it did not avail itself, or did not avail itself sufficiently of it. Some time ago Government was asked a question on its policy. That was Question No. 47. The Government mountain laboured for six months, and on 20th May this year, the same day that Question No. 116 was set down for answer on the Order Paper, the Government brought forth its little mouse. With your permission, Sir, I will read Question No. 47 and the answer. It appears in Volume LXXVI (Part 1), page 568: "Mr. Nazareth, on behalf of the Member for Eastern Electoral Area (Mr. Hassan), asked the Minister for Education, Labour and Lands: Is it the intention of Government to introduce legislation to render null or unenforceable restrictions whether by private covenant or otherwise, which limit ownership or occupation of land in townships and municipalities (including the City of Nairobi), to a particular race? The Chief Secretary (Mr. Coutts): Sir, as this is a matter of Government policy, I beg to reply: It is the Government's intention to issue instructions that all grants of land in townships and trading centres except grants—(a) issued in pursuance of a surrender; and (b) where, in certain areas, the Crown, in the opinion of the Attorney-General, has established a building scheme and is therefore committed to impose identical conditions when alienating plots within the area affected by that scheme; must contain a condition that the grantee shall not impose on any dealing whatsoever with the land a restriction against the occupation thereof by members of any particular race."

From this answer it would seem that Government has accepted that it is wrong in principle to restrict ownership

and occupation of land in townships and municipalities on a racial basis since, in the case of new grants, this will not be allowed to occur, but it is not prepared to go to the full extent of putting an end to them in practice since, where such restrictions already exist, Government apparently intends to continue to recognize and enforce them. As to why Government had decided to continue to recognize and enforce, in effect, therefore, to perpetuate racial restrictions which it appeared to recognize were wrong in principle was not clarified on the occasion of the answer given on 20th May, which I have read out. We have, however, the advantage of a previous debate, when these restrictions were quite fully discussed. That debate took place in March, 1951, over seven and a half years ago. From that debate we know on what grounds Government has sought to justify its policy of continuing to recognize and enforce the existing racial restrictions on the ownership and occupation of land in townships and municipalities and of allowing private owners to create new restrictions except in that limited class of cases referred to in the answer to Question No. 47, where the Crown issues entirely new grants of title not affected by any previous restrictions.

The Government has yielded very little ground in May, 1958, from the uncompromising position which it took up in March, 1951. The position in 1958 is basically the same as it was in 1951. It will, therefore, be necessary to examine closely the validity of the grounds on which Government sought to justify its policy in 1951, for these, I apprehend, will basically be the grounds which Government will put forward and which those who support the Government on this issue will put forward to justify its policy today. It will therefore become necessary to quote somewhat freely from that debate, and I would ask your indulgence, Sir, and that of the House, for the quotations from that debate that I may have to make, since said, on 13th February, 1958, in a debate on the Civil Service Estimates: "it is necessary to remember what was said by Government in a similar debate"

I feel I must also add that the library copy of volume XL1 of HANSARD in

[Mr. Nazareth] which that debate is reported has been lost and I understood from the Librarian that her efforts to find a copy to replace the missing Volume had been unsuccessful. If this debate produces from Government the negative and unresponsive attitude to which the Asian community has become accustomed it will, I hope, produce one good result at least—the replacement of the missing volume in the Library of the House.

There is one other matter I must clarify at the outset. This is a Motion that seeks to put an end to restrictions based solely on race, and it is no more possible to discuss such a matter without reference to racial discrimination and racial attitudes such as, for example, the attitude of the European community and of the European Elected Members, than it is possible to discuss biology without discussing life. I hope therefore that hon. European Elected Members will not expect me to refrain from discussing their attitude and policy, or the attitudes of the European community, in the past. Indeed, I think this is an issue which may call for some plain speaking, and I do not propose to refrain from plain speaking because of any fear that opponents of the Motion will raise cries of "racialism" or "racialist". We are fully aware that this policy and practice came into existence because of the attitude of the European community, and we have no doubt that it is the attitude of the European community and of its politicians which is the main cause of its continuance.

The Motion which was moved in 1951 sets out a number of reasons why a review of Government policy in regard to these racial restrictions was necessary. The Motion declared that these restrictions were contrary to the policy declared in the 1923 White Paper, that they were contrary to the principles and provisions of the United Nations Charter and the Declaration of Human Rights to which His Majesty's Government was a party, that they were inconsistent with the non-racial character of the Commonwealth of which India, Pakistan and Ceylon were, in 1951, members. These considerations had not the slightest effect on the Kenya Government. They passed quite unnoticed and

Government speakers did not bother even to refer to them in that debate, nor having regard to Government's answer on 20th May this year has it apparently had the slightest effect on Government that since 1951 Malaya and Ghana have been added to the list of non-white Commonwealth countries and that Nigeria will soon be. There has been no essential alteration in the policy and attitude of the Government from what it was in 1951, and it is therefore necessary to remind hon. Members what the position then was and what broadly it now is.

First, as to commercial segregation as distinct from residential segregation: commercial segregation existed in 1951 on a limited scale, much smaller than residential segregation, but the hon. Member who moved the Motion in 1951, Mr. A. B. Patel, mentioned some pretty bad instances of it. These, I believe, still persist. I feel therefore that I must remind the House of them, but I shall refer to them very briefly. Those who wish to get the details will find them in Volume XLI of HANSARD if they can manage to get at a copy of all a case volume. There was first of all a case in Eldoret of some Ismail Muslims, the community to which the Minister for Works belongs, followers of His Highness the Aga Khan, who spent a great deal of money in improvement and extension of buildings, who had had their plans approved in the knowledge that the buildings were to be occupied by Asians who, after the buildings had been occupied for some four years, had a notice served on them by the Special Commissioner and Acting Commissioner of Lands, threatening forfeiture as a breach of the covenant restricting occupation to Europeans only. These loyal Ismail Muslims, to avoid loss by forfeiture had to take land only a hundred feet away at a much higher premium and a much higher annual rent. The second case mentioned by the hon. A. B. Patel was a proposal to alienate a hotel site at Mombasa from an Indian syndicate, or as we now say a Muslim syndicate. Whether it was the site of the recently erected, magnificent hotel called the Oceanic Hotel, I do not know—

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Yes.

MR. NAZARETH: I am very glad to hear it. It had apparently been proposed that it could not be alienated to that Muslim syndicate unless there was a clause in the lease that it could not be occupied by Asians or Africans except as domestic servants. Why exactly Asian and African domestic servants are preferred as occupiers to Asians and Africans of higher social standing such as the African Minister for Housing and the Asian Minister without Portfolio I leave to the Government and the hon. European Members to enlighten the House. The hon. A. B. Patel, mentioned also the case of an Indian who bought a plot at Nyeri for Sh. 56,000 and erected a building on it at a cost of Sh. 360,000. He was refused a trading licence, although across the road the buildings or shops were occupied by Indians. To these, what seem obvious cases of hardship or injustice mentioned in the debate of 1951, Government vouchsafed no particular answer, but presumably it considered that its plea of sanctity of contract was an all-embracing answer. Sanctity of contract, like charity, it would seem, "covereth a multitude of sins". I venture to say that if this cloak of sanctity were examined a little more closely it would be found to be as full of holes as a kitchen sieve. If I may follow the recent example of the European Minister without Portfolio and parody an immortal sentence: "Never in the history of human pleading has so little sanctity covered such a multitude of sins".

Let me attempt, Sir, to put this matter into some sort of perspective. The part played in it by hon. European Elected Members must be appreciated. The hon. European Elected Members on such occasions generally leave it to the Government to shoulder the main burden of the debate, and tend to confine themselves to a minor role, as if the matter was one of indifference to them. Possibly they take the precaution of first assuring themselves that Government will shoulder the burden. Trust to form, the hon. European Elected Members in the 1951 debate played a minor role, the hon. Member for the Coast basing his opposition to the Motion on sanctity of contract, and the general attitude of the hon. European Elected

Members being conveyed by the present Minister for Local Government. The latter, without burdening himself with any argument, was content to say this: "I will read the first paragraph of his two-paragraph speech in HANSARD, Volume XLI, page 581:—

"MR. HAEVLOCK: Mr. Speaker, I have listened to this debate with great interest and I think it is right to say that there is a general view of the European Members that the line that Government is taking this time is one which shall be supported. (Laughter.)"

The HANSARD note in brackets—laughter—is illuminating.

But it should be made plain from where, in fact, the real opposition to Motions of this kind comes. The European community, in fact, did not play as slight a role in creating and maintaining these restrictions as would appear from the small part that the hon. European Members played in that debate and quite possibly will play in this. There was a demand by the European community for commercial and residential segregation at least as early as 1913—indeed, much earlier, since, in 1913, there was the famous report of a professor named Simpson, who advocated such segregation. As early as 1905, a land committee, which must have been entirely European in composition, demanded racial segregation on grounds of business, health control, good government and administration. The struggle between the European and Indian communities culminated in the White Paper of 1923, which declared—in the words of the White Paper—"that the policy of segregation between Europeans and Asiatics must be abandoned, but for the present, at any rate, it is considered advisable, as in other native dependencies, to keep the residential quarters for natives as far as practicable separate from those of immigrant races". Hon. Members will note the words the White Paper used—"the policy of segregation . . . must be abandoned". It went on to declare—I use the words of the White Paper again—that "when areas had been fixed for native residence, those areas be regarded as definitely set aside for use of natives and no encroachment thereon of non-African races be permitted". Special considerations arose in the case of Africans, and for these, to the extent to

[Mr. Nazareth] which they may remain applicable, I have provided by a proviso to my Motion.

Here then, in this 1923 White Paper of His Majesty's Government, was a clear and definite declaration of policy and it was for the Kenya Government, which had accepted, and the European community, which had made the demand for racial restrictions, to have implemented and carried out the policy of His Majesty's Government in all good faith and sincerity, in short, to abandon the policy of segregation.

I pause at this point, when policy was clearly defined and decided, a clear declaration of policy made on the broadest considerations of sound principle, and proceed to consider whether that policy was implemented and the extent to which it was not, what excuses or justifications were made or attempted for the failure to implement it.

The policy of the White Paper was implemented to the extent, that in grants of land in townships made after the White Paper the Government did not include any covenant restraining transfer to or occupation of the land by any non-European except domestic servants in the European's employment. Save for the omission of these racial restrictive covenants from new grants made after 1923, the existing racial covenants continued to be fully recognized and enforced. Save for that exception, the policy of racial segregation was not abandoned but was continued after 1923 in undiminished vigour and in all the fullness and plenitude of its strength before 1923.

What was the justification or excuse advanced by the Kenya Government and by the Kenya European settlers for their failure or refusal to implement and fully and sincerely carry out the clearly declared policy of the White Paper?

I must deal with the question of justification or excuse in considerable detail and at some length, since the question of justification or excuse goes to the very heart of this matter. Perhaps I may say at this stage that I must speak today at considerably greater length than is my wont, but as my Asian colleagues on this side of the House intend to be very brief, the Government and the hon. European

Elected Members will, I expect, have sufficient time to reply.

One justification or excuse was given in the House of Commons on 10th June, 1926, in reply to a question asked by Colonel Wedgwood. I quote a portion of the reply: "After careful consideration, it was decided that where it was not possible to waive such covenants—that is, covenants entered into before 1923—without incurring legal proceedings entailing the probability of an injunction against the Government, it will be necessary to retain the restrictions".

A justification on the same lines was given in Kenya in this Council in 1927 in answer to a question asked by the hon. J. B. Pandya. It was said that since Government could neither unmake covenants entered into before 1923 nor accept the liability involved in ignoring them, the course taken by Government was the only possible one.

The apologia of Government policy in 1951 proceeded on the same lines. The Deputy Chief Secretary, the hon. C. H. Thornley, said, "The legal implications of the policy of segregation therefore require consideration. It was finally decided that where a contractual obligation of this kind had been entered into and embodied in a Crown title, rights had been created for individuals which ought to be respected".

All these pleas that Government would become liable to legal proceedings or exposed to injunctions, that Government could not unmake covenants entered into before 1923, were very special pleading indeed. If I may respectfully say this of the able men who put forward these pleas, their arguments were disingenuous. The veriest tyro in the law could have told these able and hon. gentlemen that if the policy of the White Paper to abandon segregation had been sincerely implemented and been embodied in legislation enacted by the Legislative Council of Kenya, there would have been no possibility of any person succeeding in obtaining an injunction against the Government. There would have been no possibility of any person successfully taking proceedings against the Government. Actions against individuals would have had as little chance of success in the face of legislation sincerely and clearly implementing the policy of the White Paper.

[Mr. Nazareth] All that was required was the enactment of a law declaring these covenants or racial restrictions to be null or unenforceable. But these elementary legal truths were apparently wholly unknown to, or beyond the grasp of, the able and hon. gentleman who advised the Government or propounded its policy in this House.

So much for the purely legal position. The political and moral position I will come to in due course.

So far as the defence of Government policy was based on law or legal difficulty or impossibility, it was based on what was plain, unadulterated legal nonsense.

The hon. Sir Charles Mortimer gave the following justification of Government policy in 1951. I quote: "When the White Paper was promulgated," he said, "the Crown had entered into covenants with private individuals who had purchased land, covenants that required that on those particular portions of land non-Europeans should reside or be in occupation". Here we had from the hon. Member our well-known friend, sanctity of contract.

Then the hon. Member went on to introduce another, rather new or extended, aspect of the same argument. "Now on the outskirts of Nairobi township, as it then was," he argued, "there were certain areas which had been alienated as farm land and which had been subdivided into residential plots by the owners. When these were brought into the municipality, assurances had been given by the Government that the validity of the racial covenants would not thereby be affected. It would be regarded as a gross breach of faith", said Sir Charles. "If Government on its own initiative took unilateral action to break those covenants and to declare them null and void".

The hon. Member's final attitude was—I use his words—that "the Government could not possibly take the initiative in trying to disturb those covenants".

If I may comment on that, perhaps the initiative in the hon. Member's mind lay upon the helpless Indians—who had no power to take it—or upon the well-satisfied and favoured Europeans who had no intention of doing so.

Such, then, were the justifications attempted for the continued recognition of a policy which, on principle, had been condemned and required to be abandoned by the White Paper—in short, sanctity of contract. I have seen no other justification on the ethical or moral plane attempted in the 1951 debate or at any other time. Perhaps before we reach the end of the present debate we shall have some other interesting new defences put forward by that fine array of talent which we see assembled on the Government side, reinforced as it is by several able and eloquent hon. European Elected Members.

Let me take first of all the hon. Sir Charles Mortimer's justification. I received, I do not hesitate to say, a complete answer from the hon. A. B. Patel. And here I would like to pause and pay a tribute to Mr. Patel's profoundly convincing presentation of the case for the Motion, his complete mastery of the facts and his complete demolition of the Government's attempted justification of its policy of refusal to implement the White Paper. I should like to acknowledge my deep indebtedness to Mr. A. B. Patel for the facts which he placed on record, facts which provide a more than adequate answer to what Government has said in the past or is likely to say now or hereafter in defence of its policy of continued enforcement and recognition of racial segregation in defiance of the White Paper.

In reply to the hon. Sir Charles Mortimer, Mr. Patel said that the bringing of agricultural land into townships generally involved change of user and Government could then take care to see that the change of user would be allowed only on the condition that no restrictive covenants were applied once the land came within the township area. We all know that change of user from agricultural to residential purposes would greatly enhance the value of the land and thus Government would have experienced no real difficulty if it had tried fully and sincerely to implement the call of the White Paper to abandon the policy of segregation.

Most of us are well aware that it is now common practice for Government, when sanctioning change of user or allowing subdivision, to multiply the rent to be paid to Government, sometimes as

[Mr. Nazareth] much as 20 or 50 or even possibly 100 times. Perhaps the modern Kenya governments are sharper and shrewder than the governments we had post-1923 and are able effectively to deal with those who would like to have it both ways, to get the benefit of change of user or benefit of subdivision or of coming within municipal limits and at the same time retain racial restrictions which, within the townships, His Majesty's Government had condemned and required to be abandoned.

So much for the hon. Sir Charles Mortimer's special justification by special assurance given by the Government.

I come now to the main plank of justification—sanctity of contract—which the Government of Kenya argued prevented it from implementing the policy of the White Paper with regard to land which already was subject to restrictive covenants contained in grants made by Government before 1923 or contained in transfers or leases by private owners, whether made before or after 1923, which, according to the Government's argument, sanctity of contract compelled the Government to accept and enforce.

Here again the essence of the answer to the Government's plea was given by Mr. Patel in the 1951 debate. He pointed out in reply that the opponents of the Motion had not argued that the racial covenants introduced into the pre-1923 grants were right. He pointed out also that the racial covenants introduced into the pre-1923 grants had been introduced—I quote Mr. Patel's words—"in the teeth of strong opposition from the Asian community," "by the force of political power and merely on account of the pressure which was brought to bear by the European community in this country in the teeth of opposition by others".

That being so, and since the White Paper condemned the policy of racial restrictions as wrong, how could the principle of sanctity of contract protect covenants which in their very root and inception were unjustified, which had been wrongfully introduced in the teeth of opposition and which ought therefore never to have been in the grants at all? If any ethical principle applied to that situation, it was the principle that ill-gotten gains must be restored, else

absolution must be denied. Another principle that might well be applicable is that the longer the injustice is perpetuated the greater is the wrong. So thus ethics and morality and social justice and everything that goes into the notion of sanctity cried, not that the wrong be continued but that it be ended. But sanctity was a magic word, sanctity prevailed and the wrong continued. Sanctity of contract was the basis of the Government's reply in the 1951 debate. It appears equally to have been the basis of the Government's reply to Question No. 47 on 20th May, this year to justify the continued recognition and enforcement of these racial covenants.

But how far has sanctity of contract acted as a barrier to Government policy and action when important questions of public interest are involved? It has not prevented Conservative and Labour Governments alike from taking over land and property and interfering with vested rights when the public welfare or interest are involved or the well-being or welfare of the community is at stake. Every day we have laws passed in the best governed of states which interfere with vested rights. A man may not be free to sell his goods at a price a willing buyer may be prepared to pay for them; price control may step in and fix the price for him with great loss to him. A man may not be free to sell his agricultural land to whom he wills at the price he wills, though the grant or lease to him contained no such restriction. Land control may have come in after he acquired his land and may tell him at what price and to whom he shall sell. Why has sanctity of contract not restrained the Government from interfering with these vested rights, with men's contractual freedom to sell or alienate? A man may not be free to charge what rent he wills nor to compel his tenant to deliver possession of premises on the day he agreed and was bound to deliver possession. Rent control may come in and tell him what maximum rent he may charge and put an end to his contractual right to get back his property in accordance with his contract. Let us take a closer look at our rent control legislation. The first Ordinance of the Second World War was passed in April, 1940, fixing rents in some cases as at September, 1939. If a landlord had increased the rent

[Mr. Nazareth] in November, 1939, legislation passed some months later in April, 1940, deprived him retrospectively of his right to the increase. Why has not Government said that sanctity of contract precluded it from introducing or supporting such legislation? What are the principles that decide when Government should invoke sanctity of contract and when not?

Is it that in the case of price control, land control, rent control, the interests of the community cross or transcend racial frontiers, while in the case of racial restrictions on land the interests of the bulk of the European community to have at its disposal a lot of land at low prices are conceived to lie on one side and the interests of non-Europeans to lie on the other? I hope Government in this debate will tell us clearly when the principle of sanctity of contract applies and when it does not. I hope that the answer of Government will not boil down to this: that sanctity of contract applies when the privileges or interests of the European community are affected and does not apply when the line of the public interest does not run parallel to the racial line.

On this line of thought—sanctity of contract—it must follow that a privilege, once granted to the European community, must remain always entrenched, a wrong, once successfully imposed on the non-Europeans, must indefinitely prevail. It has been laid down—and every legislature acts on it—that there is no vested right in the state of the law, but the European community, it seems, has a vested right in the law which has recognized and enforced racial discrimination with regard to occupation and ownership of land. The result is that we have not vested rights but vested wrongs.

The morality of the stand taken by Government may be examined from another angle. Let us assume, I hope it will not be regarded as too large or impossible an assumption, that the African Elected Members in the course of time secure a majority in the legislature. And let us assume that the Government controlled by them grants rights and privileges or land to Africans in the teeth of opposition by Europeans, on condition that such rights and privi-

leges or land are not to be transferred to Government or non-Africans. Do the European Elected Members take the stand that the legislature cannot and should not at any time thereafter annul the condition that the rights or privileges or land, as the case may be, cannot be transferred to Europeans? I ask the Government, and the hon. European Elected Members fairly and frankly to face that question and to give an answer to it and to give their reasons for those answers.

In the debate on the Motion in 1951, Mr. A. B. Patel complained that the case of his opponents was so weak that they had conveniently omitted to answer many of the points that had been made and that were relevant to the Motion. One of these points which was not answered I should like to emphasize as strongly as I can. I hope the Government will not overlook it and will give the House a full answer on it. The Kenya Government has sought to make out—and will no doubt seek to make out again—that it has endeavoured honestly and sincerely to implement the White Paper and that it has, in fact, done so, at least so far as sanctity of contract permitted it. Sanctity of contract, the Kenya Government argues, compels it to continue to recognize and enforce racial restrictive covenants contained in existing grants and therefore it had to continue to give effect to them, notwithstanding the policy declared in the White Paper. But, as Mr. Patel pointed out, while the Government of Kenya took that attitude, the Government of Uganda did not. With your permission, Sir, I will read what Mr. Patel said on that point on page 548 of Volume XLL "But, Sir, after the issue of the White Paper, the Uganda Government followed this policy of non-segregation and ignored all restrictive covenants which were then existing in Uganda. They ignored these restrictive covenants which were included in the various instruments before the White Paper, but the Kenya Government followed another course. They not only wanted to insist upon observance of the covenants which were existing in July, 1923, but went further and said that in the areas where such plots were alienated, further plots which may be alienated should also have

[Mr. Nazareth] restricted covenants attached to these plots. That is what the Kenya Government did. A very different policy followed from the one which was followed by the Uganda Government."

What is the explanation for this difference in the attitude of the Kenya and Uganda Governments to the policy declared in the White Paper? Was the Uganda Government immoral or ignorant of sanctity of contract? Or was it that the European community of Kenya had such power or influence with the Government that it could enforce its point of view? I hope we shall receive a convincing explanation from the Kenya Government of the reason for the striking difference between the attitudes of the two Governments.

There is a further aspect to this angle that the Government might go into. If sanctity of contract lies at the basis of its attitude, then presumably as long as the contract endures so long will its sanctity endure, so long will these restrictions be recognized and enforced by Government policy. Are we then to take it that in the case of freehold land these racial restrictions are never to be brought to an end? Is the dead hand of the past to lie so heavily upon us that we are never to be free to take a more enlightened, a more liberal view, a juster, or a more charitable view? Are we never to be free to take a view more in accordance with the needs of our times, one of which is, in law, to bring nearer together those who, in fact, are, or are said to be, coming nearer together? One of those needs calls on us to recognize that where there was almost total separation and division between the races there is now a great deal of overlapping. If a Government controlled by an African majority comes into power, are we to take it that it will be regarded as legally or morally wrong for that Government to nullify these purely racial restrictions? Is the policy to be: What I have, I hold? If that is the approach of the Kenya Government and of the hon. European Elected Members, I can see little hope of a political solution of our racial problems.

If that is the attitude of the European community, then let it take a lesson from the fate that befell the monkey who,

grazing more than he could get out of the hole in the wall and unwilling to let any of it go, was caught by the guards and paid for his greed and his folly with his life. Let them reflect that greed for privilege may bring punishment that may more than fit the crime, and that a day may come when they may be hoist with their own petard.

The Motion declares that the continued recognition of these covenants based solely on the criterion of race and no other criterion, is against the public interest. Today, there can be no real doubt of that, that they are unjustifiable in principle, as the White Paper holds, that they owe their creation, wholly, or mainly, to the pressure and the prejudices, the strength and the influence of the European community, that they cause social injustice as between members of different races, that they are a fertile source of racial misunderstanding and ill will at a time when the fostering of understanding and good will is of paramount, of pressing importance.

I feel I can confidently claim in this matter the support of the hon. Member for Nairobi West, and I hope he will be supported in such enthusiasm by his hon. European Elected colleagues. Without the removal of this purely racial discrimination, how shall we—to use the phrases with which the hon. Member for Nairobi West addressed the Muslims at Mombasa—"grasp the secret of combining into a whole towards nationhood and become true Kenyans?" "How shall we"—to borrow his words again—"rise to that greater, nobler and more difficult task of leading our communities towards racial understanding, racial concord and racial harmony". If the hon. Member thinks, possibly with the agreement of his hon. colleagues, that (I use his words again) "the Almighty has ordained that we in Kenya are to work out His plan for the world", he will, I feel sure, recognize the pressing necessity of removing without delay this barrier to racial understanding, this perpetuation of racial injustice and this monument of racial insult. I might claim the support of even more august personages on this wider approach. The Secretary of State for the Colonies in his recent despatch says this: "It is therefore to the promotion of a sense of nationhood that we must advance, and I can conceive no more potent instrument to this end than

[Mr. Nazareth] the development of a multi-racial or non-racial Council of Ministers in which policies can be evolved aiming at an integrated approach to the blending of the aptitudes and aspirations of various communities in a sense of national purpose and achievement".

How do the multi-racial or non-racial Council of Ministers and the hon. European Elected Members propose to advance to a "sense of nationhood", to use the Secretary of State's phrase, if they persist in perpetuating this senseless discrimination on a purely racial basis? Indeed, it is tragic to find the Government, so soon after this despatch, opposing or not wholeheartedly accepting this Motion. Even courts, which on such matters adopt a much narrower and more limited approach on questions of public interest and public policy than is expected or open to a legislature, have been able to declare such covenants as void on the ground that they are against public policy. Mr. A. B. Patel, in 1951, quoted the following passage from the judgment of a Canadian court which held a restrictive covenant against transfer of Jews to be void as being against public policy. I quote a small passage from that judgment: "If the common law of treason encompasses the stirring up of hatred between different classes of His Majesty's subjects, the common law of public policy is surely adequate to avoid the restrictive covenant which is here attacked"—that is, the covenant against transfer of Jews. Where promotion of racial harmony and understanding must be a paramount object of public policy, what could be worse than a policy which sets race against race, which divides where it should unite, which begets not understanding, but racial bitterness and ill will?

These covenants, when first introduced, although they were quite unjustifiable in principle, might possibly have been allowed the excuse of administrative convenience, though greed and not administrative convenience seems nearer the root of the matter. In the early days of settlement, there was little overlapping between the races, the Europeans were on the top, the Asians below, and the Africans at the bottom. Now, there is a great deal of overlapping as between the races. What might with charity have been allowed, some excuse then has become

wholly inexcusable now. The hon. Minister for Works, however civilized he be—and I hope the Government and the hon. European Elected Members, will grant that he is civilized—that he will not destroy or undermine the salubrity of any neighbourhood in which he seeks to dwell, this hon. gentleman cannot occupy a house on Marlborough Estate though he can next door at Parklands. How happens it that the hon. Minister is acceptable or tolerable at the Council table or the dinner table less than five feet away and intolerable and unacceptable on the next plot more than 50 feet away? What sanctity has that that sanctifies or sanctions such a situation? We have now what has been called a coalition Government consisting of Ministers of all races. Is it right that discrimination in regard to land should be continued by the Government against some of its own Ministers on a purely racial basis? I hope the Asian Ministers will raise their voices loudly against the continuation of these indefensible policies and practices.

I hope the Asian Minister without Portfolio will be allowed to say now what he said in 1951. "I, Sir," he said, "cannot see any defensible reasons for introducing discrimination in a matter of this kind". Here, Sir, I pause to say, nor can I. Then, Sir, he proceeded to give the indefensible reasons for that discrimination, "because," he said, "I quote his words—"the European community suffers from the colour obsession. I believe, Sir"—the hon. Mr. Madan, as he then was, continued—"they have got the colour complex—they are scared stiff". There, Sir, I pause to express the hope that the European community is no longer scared stiff, that the hon. European representatives will have the courage to end or agree to the ending of these purely racial restrictions, and the courage to say publicly that they agree.

I feel, Sir, that I must quote a little more from the Asian Minister without Portfolio, seeing that he is now a part of Government and shares collective responsibility for present Government policy. "Sir," he said: "I submit that it is fantastic, I submit, Sir, it is absurd—it is completely devoid of logic that legal and social privileges should depend upon the mere accident of being born into a particular colour". I pause again, Sir, to

[Mr. Nazareth] express the hope that the other members of the Government share the views of their colleague, the Asian Minister without Portfolio. I cannot, of course, induce myself to believe that the Asian Minister without Portfolio has changed his views on this matter and that he now considers that to be right what he then thought to be "fantastic, absurd and completely devoid of logic".

The Asian Minister without Portfolio next proceeded to point out that a German ex-enemy, coming out of the Second World War—with, I might add, the blood of British soldiers on his hands—could buy land but the Asian, who might have fought alongside with those British soldiers, could not. It appeared thus to the Asian Minister without Portfolio—I use his words—"... that a premium is placed on enmity and not upon loyalty". That, Sir, is a consideration to which the Government might give some heed. It has been said, "where the State discriminates between men, it is to the degree of differentiation denying its claim upon the allegiance of those excluded from the enjoyment of rights". How much greater must be the denial of the claim upon allegiance when the discrimination is so brazen and so flaunting, that even ex-enemy aliens are preferred to loyal fellow-citizens and fellow-subjects. I hope the Government will tell us why it prefers ex-enemy aliens to loyal citizens and what are its justifications for this remarkable preference.

We are constantly stressing in this House the paramount necessity of political stability, and I think we fully recognize—or ought to recognize—that political stability must be based upon social justice. Is it in accord with social justice that members of one race should be forced to pay for land two or three times the price that members of another race pay for comparable land?

I say without the slightest hesitation that it is a well known fact, well known for years, well known for the last few decades, well known to everybody except possibly the Government, whose ignorance at times can be most remarkable, that the price of land in townships and especially in Nairobi, of land restricted to European occupation, is much lower than the price of comparable unrestricted

land. I shall have something more to say on that question a little later; but if that is a fact—and there can be no real doubt of it—then is it right any consideration of social justice that it should be so? What consideration of social justice requires or can accept, that Asians or non-Europeans, merely because of their race, must pay higher prices than Europeans for the land they buy or occupy. But the matter does not stop there.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Bechgard) took the Chair]

Much of municipal revenues, notably in the case of Nairobi, is derived from rates levied upon the unimproved value of land based on its market price. So the market price of land available to and occupied by Asians being higher than the market price of land restricted to Europeans, the Asians, in addition to the necessity of having to pay higher prices for the land at the time of purchase, have year after year to pay higher rates based on those higher prices. Surely the Government and the hon. European Elected Members will agree that such a situation does not tend to promote racial understanding and goodwill, and that on the contrary, it tends very seriously to undermine confidence in the Government and in the local authorities, which derive the major portion of their revenues on what is, in its incidence, an unfair system of taxation.

I do not wish to take up the time of the House giving figures to prove what I said is a well known fact, that the price of unrestricted land is much higher than the price of restricted land. I gave figures to the House in a debate in Committee of the whole Council on the Rating and Valuation Bill on 23rd April, 1957. They appear in Volume LXXXII of HANSARD, pages 453-456. If that assertion was not correct, Government, with the resources and information of the Land Office and the valuers at its disposal would and should long ago have disproved it.

To the fact that the non-Europeans of Asians have to pay higher prices for their land, and, every year, higher rates based on those higher prices, you have

[Mr. Nazareth] the even worse fact that it is the poorer community, the Asian as compared with the European community, that has to pay those higher rates and higher prices. Hon. European Members may perhaps look askance at that assertion. I invoke in support of that assertion the East African Economic and Statistical Bulletin, which I hope they will accept. In Bulletin No. 41 of September, 1958, we were given the following figures: European population of Kenya in 1957, 62,700; total reported European employees, 22,431, giving a percentage of 35 per cent of employees out of the European population. Corresponding Asian figures are: population, 161,700; employees, 37,166, or nearly 23 per cent out of the Asian population. Among Europeans therefore, 35 per cent are wage earners, while only 23 per cent are wage earners among Asians. If we allow for others who have or earn incomes, but are not wage earners, the general conclusion will, I think, not be disturbed that there are proportionately more persons among Europeans in receipt of incomes than among Asians, and proportionately more persons dependent on Asian earners than on European earners. The European wage bill was £25,578,000, the Asian wage bill was £17,806,000. Thus the average earning per wage earner of the Asian population was £479 as compared with £1,140 for the European wage earner.

I have restricted myself to one facet of the economy: the earnings of employees. If the Government or the hon. European Elected Members wish to assert that, on the overall economy of the country, the Asians on the average earn more or have a higher income per head than the European, I shall be deeply interested to listen to their figures in support of such an assertion. So great is the difference between the average European and Asian earnings that the Bulletin begins its lowest figures for European men with up to £599, and the percentage of Europeans in that category is only 0.9 per cent; that is less than one in 100. For the Asian men, you have three brackets or groups below £599. Up to £179, 1.9 per cent; from £180 to £359, 16 per cent, and £360 to £599, 31.8 per cent, that is 49.7, or nearly 50 per cent of Asians earning below £599

as against less than 1 per cent of Europeans earning below £599. There can be no possible doubt that the Asian community is far poorer on the average than the European community. The result of the examination is, I suggest, to demonstrate beyond doubt that a community much poorer pays and is compelled in the present state of the law to pay, much higher prices and much higher rates than a far richer community. Members of a privileged group may think that that situation is right and just and eminently satisfactory, but those outside their magic circle will tend to reach a different conclusion. We "lesser breeds without the law" feel that such a situation is plainly wrong, that it ought not to be perpetuated, and that it is high time it was rectified.

I said earlier that I would have a little more to say on the matter of the price of unrestricted land being considerably higher than the price of restricted land. Government has dealt with that particular aspect of our complaints in an extremely shrewd manner. I might almost say in a disingenuous manner. I go back to the 1951 debate, a veritable fountain of light to guide us in this debate. The Motion moved by the hon. A. B. Patel asked the Government—I quote from the Motion at page 541—

"To investigate and report as to the extent of commercial or residential segregation practised today in the townships of Kenya in pursuance of covenants incorporated in Instruments concerning land whether granted by the Crown or by Private Treaty.

(2) To suggest ways and means for rendering all such covenants and restrictions as null and void."

What was Government's answer? The Deputy Chief Secretary, the hon. C. H. Thornley, said this at page 599:—

"As regards, Sir, the suggestion that a select committee should be appointed to investigate and report as to the extent of commercial or residential segregation practised today in the townships of Kenya in pursuance of covenants incorporated in Instruments concerning land, whether granted by the Crown or by private treaty, the position is that all this information is available in the records of the Lands Department and can be assembled without much difficulty.

(Mr. Nazareth)

The Government does not consider that a task of this kind either is appropriate for a select committee, but if it would serve any useful purpose, and if it is the wish of Council, the Government is prepared to consider having the information extracted from the official records and made available to the Council."

The hon. Sir Charles Mortimer said at page 580 of the report:—

"I support my hon. friend the Deputy Chief Secretary in saying that there is no objection whatever to having the investigation required by the first part of the Motion. It is not, however, a matter for a select committee. The facts are clearly on record and it is merely a question of someone spending a few weeks in collating those facts and presenting them in the form of a Report."

On these assurances, so clearly and authoritatively given, Mr. Patel's Motion for the appointment of a select committee, having been defeated by the combined vote of the Government and the hon. European Elected Members, Mr. Patel pursued his endeavours to have the fact publicly established. His Motion for a select committee was defeated on 8th March, 1951. On 20th November, eight months later, in Volume XLV, page 53, we have the following Question and Answer:—

"MR. PATEL: Is the Government aware that in consequence of the difference in market price between restricted residential land and unrestricted residential land per acre, the average unimproved site tax levied by municipalities on unrestricted land greatly exceeds that on restricted land?"

THE ACTING DEPUTY CHIEF SECRETARY: Without a detailed examination of titles it is not possible to establish whether the price of unrestricted land is higher than restricted land, all other circumstances being identical. Since the unimproved site tax is calculated as a percentage of the unimproved site value it must follow that the tax is higher where the market price of the land is higher.

MR. MADAN: Arising out of that reply, is it not possible for the hon. Member to ascertain the difference be-

tween the prices of the two types of land from advertisements which appear in the local newspapers?

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, as I have explained orally and in writing to the hon. Mr. Patel, a good deal of research would be required in order to establish definitely whether prices are, in fact, higher in the case of unrestricted land, other circumstances being equal; and the hon. Member agreed that it would not be worth while taking up the time of the Lands Department to do the research which would be needed."

After that highly ingenious performance by the Government, who in this country could possibly doubt that we had a very able and exceptionally shrewd Government for which poor Mr. Patel and the Asian community were no match at all. For whose benefit was the Government of 1951 being so clever? But since Government indulges in these performances and does not seem prepared to admit what I suggest is undeniable, I must remind the House of overall figures which have been given and which have not been denied, and which point to a clear conclusion. Mr. Patel in 1951 gave the following figures for Nairobi: 15,000 Europeans had 11,000 acres of restricted land, while for 45,000 Asians, there was available only 3,000 acres of unrestricted land. It is well to note that while the meagre 3,000 acres of unrestricted land were available to Asians, Europeans and Africans—that is, 15,000 Europeans, 45,000 Asians plus thousands of Africans—the 11,000 acres of restricted land were available only to the 15,000 Europeans.

The hon. Sir Charles Mortimer, who, having earlier held the office of Member for Lands and Local Government, was very well informed on the position, referred to those figures of Mr. A. B. Patel's and accepted them as broadly correct. Even leaving the Africans out of the calculation, on these figures, one-third of the number of Europeans in Nairobi had exclusively to themselves about four times the amount of land available to non-Europeans. In other words, the amount of land available to the average European was about 12 times as much as that available to the average Asian.

Interjection by hon. Member.

MR. NAZARETH: I did not hear the hon. Member. I am afraid I did not hear the hon. Member.

MR. USHER: Would you read Sir Charles Mortimer's reply.

MR. NAZARETH: I would ask the hon. Member, when he replies to me, to read his reply if it is relevant.

That is the kind of happy situation that the Government thinks it right and just to perpetuate. If, in that kind of situation, the laws of supply and demand did not send the price of unrestricted land shooting up to heights far higher than that of restricted land, then some master magician must have put the laws of supply and demand to sleep.

It is not surprising that Government, with all its resources, fights shy of figures and leaves us with our poor resources to dig them out. I recently examined the Nairobi Valuation Roll with the aid of two persons who have considerable experience of land, and it left no doubt whatever in my mind that the valuations of unrestricted land were far higher than those of restricted land. As the valuations are based on market price, there could be no doubt that the market price of unrestricted land was far higher than that of restricted land. It followed therefore that the Asians are being forced to pay much higher prices and much higher rates than the Europeans. That position has not basically changed, the broad proportions and the conclusions that follow from them have not altered, though the detailed figures must have altered in the course of the last seven years.

How did Government in 1951 answer the charge? Mr. Patel summed up the debate saying that there had been two main arguments relied upon by his opponents: compensation, and what I think I might now call the famous argument of sanctity of contract. With the latter, the sanctity, or sanctimonious argument, I have already dealt. On the matter of compensation, the Chief Secretary, the hon. J. D. Rankine, said this on page 581: "I can hardly think that it would be suggested that rights and obligations which exist or which existed should be abolished by a stroke of the pen without compensation. I think any reasonable person would suggest that if those rights are abolished they ought to

be compensated. But now, if those rights and obligations were appropriated, the bill would be immense. That is no exaggeration. It would be immense."

This, of course, would be an immense argument if it had the slightest basis in reality. It has none whatever. Mr. Patel in his reply pointed out what was known to everyone with the slightest acquaintance with land values, that when racial restrictive covenants were removed the price of land went up, not down. To whom, then, was compensation to be paid?—To those whose land had gone up in price or value and who had made a profit instead of a loss? The Chief Secretary's argument showed the straits to which the defenders of privilege were reduced. I hope we shall not have this compensation argument trotted out again. That argument, I venture to say, is quite unsupportable. I might even say insupportable. But we have had more recently an interesting variation of it from the former Member for Aberdare, the hon. Specially Elected Member Mr. Slade. This was his argument on 18 April, 1957: "If these racial restrictions were swept away" he said, "the immediate effect of that bold act of law would be that the artificial value of a particular area would be swept away; down comes the market value of this area and those who spent £5,000 on a site will find it is only worth £100".

This argument of the hon. Mr. Slade needs to be examined. It is indeed a remarkable argument. I know that the hon. Member is a great upholder of principle—none more valiant than he when he smells a principle in the offing. The hon. Member must surely see, with his great powers of intellect, that implicit in his argument is the principle—the wholly unacceptable principle—that the general interests of a community, the interests of the great bulk of the community, must be sacrificed to a minority within it, to the interests of its speculators. No one who has bought land for a price would worry about a fall in price, since he is not out to sell. If home-owning, in price, death duties, unimproved site value rates, valuations for purposes of taxation, come down, then the better for him. As for the speculators, if a man buys more land than he needs and is caught out when justice, long overdue, is done to the bulk of his

[Mr. Nazareth] by allowing members of his community to buy land at a price not forced up by a legally-erected or legally-supported, racially-based, scarcity; and if the price falls, then whom has our friend the speculator to blame, except his own greed?

Would the Government, on the hon. Member's novel principle, and his very remarkable approach to this question, refuse to increase supplies of sugar or wheat or any other commodity, and thus lower prices, because speculators had cornered or hoarded this commodity and would lose if prices were lowered? If this is the way the hon. Member wishes to befriend the Asian community then all we Asians can say is, "Heaven save us from our friends". This very friendly attitude which we often witness brings to mind all sorts of little verses. It reminds me of a poem, I think it is by Bertrand Russell, the full text of which I should be glad to have if anybody who learns of my desire can help me. After enumerating a large number of things which the civilized man does for the uncivilized man's good the poem ends with the line, "They shoot them for their good".

We Asians have long realized that the hon. European Members have nothing but love for us. But we do not like the way in which that love manifests itself. We cannot help from time to time murmuring to ourselves: "It was all right, Sir, to dissemble your love. But why did you kick me downstairs?" However good it may be for us, however much they love us, we do not wish to be shot for our good and we do not wish to be kicked downstairs. And the less we have of high professions and low practice the more we shall understand and like their ways.

Cannot the Asian Ministers in our much-vaunted coalition Government, said to be representative of all races, induce their European colleagues in the Government to do this long overdue act of justice? If they cannot obtain justice for us, so long due, then is it not time that we said to them, in Cromwell's words: "You have been too long there for any good that you have done. For God's sake go".

As for the Government, I would say to them, "We have had too long this sanctimonious argument of sanctity of con-

tract. There is no place for honour or sanctity in this policy. Let they be tempted to go back once again on that plea let me remind them of Tennyson's well known lines on Sir Lancelot and Queen Guinevere. "His honour rooted in dishonour stood—And faith unfaithful kept him falsely true". It is high time that this unholy liaison between the Government's Lancelot and the European community's Guinevere was ended. It will bring ruin to Kenya as that liaison brought ruin to all whom it touched. There is no room for faith, or honour, or sanctity in any compact for the continuation of this policy. Let the policy of promoting racial good will and racial justice and equality be seen not in empty words but in concrete action.

Sir, I beg to move.

MR. KHAMISHI: Mr. Deputy Speaker, Sir, I beg to second the Motion but I reserve the right to speak later on.

MR. SLADE: Mr. Deputy Speaker, Sir, the hon. Mover has moved this Motion with considerable force and skill, even if at somewhat inordinate length. At the same time, Sir, I cannot condemn too strongly the tone in which he has moved it.

On the face of it, the purpose of this Motion is to develop racial harmony and equality of opportunity. But almost every word the hon. Mover spoke militated against that—not only the attack on the Government but also in his attacks on the European Elected Members and on the European community. I do not understand how he can hope to achieve what he has purported to seek if he adopts that kind of tone. He quotes from a debate some seven years ago and proceeds on the assumption that the attitude of everyone in this Council is precisely the same as it was, as those who spoke in that debate seven years ago. He does not choose to give the Government credit for seeing the march of time, or the European community, credit for being adaptable. I am so very sorry that he should have made it so difficult for hon. European Elected Members to sympathize with him in this Motion.

Sir, we are in fact seeing many changes, rapid changes, changes of conditions in this country, changes of status of individuals and whole sections of the community, and a consequent change in

[Mr. Slade] of many people of each community, not least the European community.

I say again that I think the hon. Mover should have given the European community credit for having a large number of liberal minded individuals among it. At least, Sir, what was right yesterday in this Colony, or indeed anywhere, is not necessarily right tomorrow. We are facing that in many respects all over this Colony today.

This Motion, Sir, raises only one facet, quite a small facet, of a much more general question—that is how and when to develop the economic and social integration of races in this country. Mr. Deputy Speaker, the Specially Elected Members and many Europeans of Kenya want to see development of that integration. They want to see it not only in this matter of restricted land tenure but they want to see it in the sphere of education, in the sphere of hotels, in many many spheres—in fact, Sir, in all possible spheres. But, Sir, we feel, especially the Specially Elected Members, that this must depend on voluntary evolution, evolution in an atmosphere of construction, of people wanting, not of people having anything forced upon them; because you cannot get integration in that way.

Now, Sir, that has been said by others on many occasions in this Council, particularly recently, and, I think, never better, than when the Minister for Tourism spoke on the question of integration of races in the accommodation of hotels. I would like to refer back to what he said on that occasion. But, Mr. Deputy Speaker, we must cling to this. It is absolutely vital to achieve what we want in the matter of integration: that you do not set about it by forcing anyone, but you set about it by encouraging people to think the opportunity to act in the right way. It is not a case of throwing down idols or breaking fences; it is rather a case for even letting fences rot if they are neither renewed nor removed by the man who put them there. In fact, Sir, I am quite certain that, given the right atmosphere, the existing fences will in due course be removed. But the right atmosphere is not generated by compulsory interference.

For that reason, Sir, I have to oppose this Motion as it stands, as applying to existing restrictions, whether by private covenant or otherwise. It must be remembered, Sir, that in spite of what the hon. Mover said about the sanctity of contract people bought land and made homes on land which was subject to these restrictions, relying upon, believing that because of these restrictions they were assured of a home among neighbours of their own way of living. That means a great deal to some people. If it means a great deal to them, you need very very great justification to take away that pillar upon which they rely, after they have made their homes and paid the price.

This has been discussed at great length on other occasions, but I stand by all that has been said in the past on the subject of the sanctity of contract. It is true, as the hon. Mover has said, that vested interests can be removed by the law, and sometimes are fettered by the law. But they are, I think he will agree, more often "the rights of positive action of the vested interests that are fettered by the law than the protective rights imposed by restrictive covenant. In fact, I have not heard him quote any authority for removal by law of the sanction of restrictive covenants. Restrictive covenants can disappear by waiver or by acquiescence from those who have the benefit, or merely by lapse and by obsolescence. That is the way, Sir, that these things should go. I believe that in many areas in course of time, not such a very long time, these particular restrictive covenants which worry the hon. Mover so much will fade away. I say again, let them fade away, and do not try to take them away by force. You cannot take them away by force, or you will develop such a resistance, in the atmosphere in which we live in this country, that you will do far more harm than good towards achieving the very object you are trying to achieve.

For the same reasons which I have given, Sir, I do think there is a very strong case for legislation to prevent the further development of this particular kind of restrictive covenant. I do see that if you are allowed to continue tying up land by a restrictive covenant of this kind, then you are discouraging and not encouraging that kind of evolution of

[Mr. Slade] economic and social evolution to which I have referred. We must not discourage it. We must do everything we can to encourage it. For that purpose we must, I think, leave open any field that is still open.

So, Mr. Deputy Speaker, I want to move an amendment to this Motion. My proposed amendment is that the Motion be amended as follows—by deleting all the words of the Motion preceding the word "legislation" in the fifth line thereof and by substituting therefor the words "that this Council urges Government to consider the introduction of . . ." and by substituting the word "future" for the word "all" in the sixth line thereof.

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) resumed the Chair]

The effect of that amendment, Mr. Speaker, if passed, would be that the Motion would then read:—

THAT this Council urges Government to consider the introduction of legislation to render null or unenforceable future restrictions, whether by private covenant or otherwise, which limit ownership . . . , etc.

Sir, I see no benefit or merit in the first four lines of the Motion—there is an implied recognition that there must be a change of policy if the rest of the Motion is passed without those words; and knowing that the Government is unable to accept Motions that imply that the Government has not been doing its job, I think it would be very much wiser to leave out those initial words. For the rest, Mr. Speaker, I think it is going a little far to urge the Government, with all speed, to introduce this legislation. I think we must allow the Government a little time for consideration. But we indicate today that we think that the Government should consider the introduction of legislation to render these restrictions unenforceable. That should be enough to set the wheels going round.

Lastly, Sir, the further amendment that I propose would invite legislation to deal with future restrictions of the kind

which the hon. Mover referred to, for the reasons which I have given.

Sir, I beg to move the amendment.

LT.-COL. MCKENZIE: Mr. Speaker, in seconding the amendment I have nothing more to add other than saying that I agree with every word that the Mover of the amendment said. I would like just to add that I was sorry that the tone and the tactics that were put forward by the Mover of the original Motion were used, because I feel that by his tone and his tactics much of the good which was in his speech was lost.

I sincerely hope that the Government will accept the amendment.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I am not quite clear whether the hon. Mover wished to delete "or otherwise" or whether he wished those words left in.

MR. SLADE: Mr. Speaker, I did not myself propose to delete those words "or otherwise" although I understand that hon. Members opposite think that it might be desirable to delete them.

MR. ALEXANDER: Mr. Speaker, in other places I have said, and I would like to say it here today—I have said it on European platforms—that I can think of some Asians I would rather have as neighbours than some Europeans. I therefore find it most disappointing that the Mover of this Motion should have introduced into it a most unpleasant racialist taint. There is a great amount of good will today in the European community for many of the sentiments expressed by the Mover, but when he expresses them in the way that he does, with an essentially racial slant, I am bound to tell him and his community that all he does is to alienate the good will that is developing fast amongst the Europeans.

One very essential attraction in our Asian neighbours—to those of us who live in the European areas—is that the Asians for example are disinclined to keep dogs, and I must say that for us who spend many sleepless nights in Nairobi this is an attractive thought.

The Mover of the Motion did choose to quote from a speech I made to the

[Mr. Alexander] Muslim League in Mombasa, and because he has chosen to do so, Mr. Speaker, I have no other alternative but to complete what he omitted. I would not like to suggest that he conveniently omitted it, but certainly what he quoted left a completely wrong impression as to the full text of what I said. He gave three extracts from the speech that tasted about half an hour. These were the extracts he gave: ". . . grasp the secret of combining into a whole towards nationhood . . ."; secondly, ". . . rise to that greater, nobler, and more difficult task of leading their communities towards racial understanding, racial concord and racial harmony"; and, thirdly, ". . . the Almighty has ordained that we in Kenya are to work out His plan for the world".

If I may, with your permission, Mr. Speaker, just complete very briefly a few more extracts that will put into correct perspective what I did say, I crave your indulgence. This was a speech to the Muslim League at Mombasa on 11th October, 1958, I quote:—

"The human composition of Kenya and other areas along the east coast of Africa is unique in the world. It is only here that in quantity the three main races of the world—European, Asian and African—have made their homes alongside one another as permanent residents. In other parts of the world where the races have mingled in quality it has been in circumstances where one or more communities are mere itinerants. Examples of this are India, Nigeria, Ceylon and Ghana, where the Europeans were and are mere passers-by, only there for a definite period, either as contract employes or as planters. In Kenya, peoples of all races came to uninhabited lands and made permanent homes for themselves and their descendants. It is this that makes Kenya so completely different from the other countries I have mentioned. It is this that makes human relationships in Kenya the most challenging and the most exciting country in the world, bringing out the best and the worst in people. We are a miniature of the whole of the human race and a laboratory for the problems of race relationships throughout the world."

The next part is very important in the context of this particular debate. I quote:—

"It is a delicate, subtle, and elusive problem which thereby places on all of us a heavy but stimulating responsibility. . . responsibility of openly acknowledging the differences between us—differences in customs, in behaviour, and in religion, and yet a responsibility of finding the secret of combining into a whole towards nationhood. There are times, many times, when I think the Almighty has ordained that we here in Kenya are to work out His plan for the world. It is an invigorating thought and one that could be an inspiration to all the peoples of Kenya. It is a sentiment that I would like to have taught in all our schools. The plan is that by patient example, by disciplined behaviour, and by courtesy we shall show the rest of the world how to live together."

Then I went on:—

"Why is it so apparent that we have not yet sufficiently grasped the secret of combining to a whole towards nationhood? The answer is simple; it is because of the vile excess of virulent interracialism that is currently pouring from the tongues of those who are either incapable of or unwilling for the good of all Kenya to rise to that greater and nobler and more difficult task of leading their communities towards racial understanding, racial concord, and racial harmony. It is easy to sway audiences with racial venom and all the familiar and emotional jargon and slogans that go with it, but it requires great strength of character, of intelligence, and of conviction to preach tolerance and forbearance. That is real leadership, the kind of leadership that persuades by the fearless presentation and quiet sincerity of a generous soul. It is with narrow souled people, as with narrow necked bottles—the less they have in them the more noise in pouring out. Trying to solve our country's problems with the noise of racialist oratory is like trying to disentangle a traffic jam by honking the horn. How then are we to deal with noisy racialism? How are we to penetrate the secret of com-

[Mr. Alexander] bining into a whole towards nationhood? Firstly we must develop and have a new type and style of leadership. I call it 'leadership by discipline': discipline by our leaders of themselves."

MR. ODINGA: On a point of order, I think the hon. gentleman is out of the Motion, because he is reading his speech. That man quoted what happened, therefore I am asking you to rule him out. Mr. Speaker.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Unfortunately this speech was referred to at some length by the Mover of the original Motion and therefore I think the hon. Member has a right to explain what he in fact said. I would also, at the same time, as I am on my feet, point out that at 6 o'clock I shall have to call on the Mover to reply.

MR. ODINGA: I would want in my speech to refute a point because he is raising so many other issues which you might later think as out of order.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I have given my ruling.

MR. ALEXANDER: Thank you, Mr. Speaker. I was nearly at the end of what I wanted to say to put that extract in its context. I was saying:—

"Firstly we must have a new style of leadership. I call it 'leadership by discipline', discipline by our leaders of themselves and discipline amongst the people until we pass out of the current period of racial emotionalism. It is a discipline which between leaders and the people demands a quiet but forceful presentation of facts, or aspirations, and of needs in a spirit of true and forthright negotiation. This does not mean that plain speaking must go; it would be false and deceiving if it did, but what must go, what we must outlaw, is any hatred or venom or contempt in our plain speaking, particularly before emotional audiences."

Then I referred to our younger generation, and I said this finally:—

"Their local instinct, nurtured in the sun and soil of Kenya, tells them when

and how to develop mutual relationships in Kenya, and instinct that also tells them that interracial behaviour is wisest when it confines itself to what comes naturally to avoid patronage and presence and to postpone premature attempts to rush together in matters where social and other differences are still understandably delicate".

Mr. Speaker, thinking purely of Nairobi, there has in recent years been a great movement together, but I do beg of the Mover to believe that if only he will allow it to come naturally, if only he will allow people to do what comes naturally, we will get to our goal far sooner than in the way that he is going about it. I can think of one particular area on Sclaters Road that is available to his community: members of his community who have gone there who have found that it is not what they want, that it was different from living side by side with their own people, and have quickly gone back into the Parklands area. I am so disappointed that the Mover did not choose to discuss this with his European colleagues before bringing this Motion. I am quite certain that in a spirit of true negotiation that if he cared to sit down with us, that he would find, unless he is going to persist in this racialist attitude of his, he would find tremendous good will, and I would commend to him that he should seek to discuss with us on this particular matter.

Mr. Speaker, I beg to support the amendment.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, the hon. Mover, whilst speaking, referred to the speech that I made here in 1951 when I spoke to the Motion moved by the hon. Mr. A. B. Patel. He also produced certain quotations from my speech, and his tone suggested—his tone assumed that I must have departed from the principles that I stated in my speech then.

MR. NAZARETH: May I say that I do not for one moment suggest that Mr. Madan has departed from the ideas he had. I ask the Government to share those ideas now.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I will tell them

[The Asian Minister without Portfolio] then what my ideas are, but he also said, Mr. Speaker, that if the two Asian Ministers were unable to induce the Government to move along the lines which the hon. Mover suggested, he thought as common sense it was time for us to go. I would like to tell him that I am here, a Minister in the Government of Kenya, with the consent of my community. I would like to tell him that in this matter the hon. Mover is not my Cromwell and I refuse to accept him as such. If I had to go, I will decide that in the interests of my community, but subject to the dictates of my conscience, and I will not be bamboozled into making any decisions by any noise that is made by anybody here or outside.

I would like to say clearly and categorically, Mr. Speaker, that I believe discrimination is wrong, morally, legally, and in principle, but I would like those who want to see changes introduced just to realize that in any society and in any country and, indeed, even in the ranks of the Government, there are people who are enlightened and there are people who are slow and others who are fast, and there are people who are conservative and others who are liberal. It is such people who have to work together. I believe that the two Asian Ministers, as representatives of a community, who would like to see certain changes made in certain directions, can do more by trying to influence the policy of the Government in such matters. I do not believe that one can achieve much more by staying out of the Government than he can if he were in the Government and trying to convince his colleagues, that while there is sympathy there is also need for an accelerated pace to be introduced in order that those who feel the need for reforms to be introduced may not feel frustrated.

Mr. Speaker, I would agree with the hon. Member for Nairobi West, that what we can achieve in this Colony by co-operation between members of all races will show greater and more fruitful results than what we can achieve by force or by extracting advantages from people who are neither willing nor agreeable to grant them. I believe that what is needed is good will in these matters; so I would say to my European friends to recognize and to realize the sense of

frustration which the non-European people feel, and to my non-European friends I would say let us take into consideration the difficulties of the European community, the difficulties which perhaps arise from their traditional past, from their way of living; or it may even be due to their inability to understand our emotions in this matter. But the fact remains that there are difficulties, and I would say to my non-European friends that the right thing to do is to try and resolve these difficulties and to blend the different attitudes into a common policy in the interests of this country.

MR. HASSAN: Mr. Speaker, Sir, I rise to support the Motion.

I am sorry I cannot agree with my hon. friend the Specially Elected Member and support his amendment because that amendment of having legislation, not to have any racial discrimination, legal racial discrimination, accepted in future, because, as a matter of fact, it is not needed today. The Government by statute has already ruled this, and I have seen Gazette notices myself where land in townships is being offered for residential purposes, and it is specially laid down there that no restrictions of racial occupation will be permitted. There is no doubt that there is no legal legislation to this effect, but in practice the Government is already following it.

There is no doubt, Sir, that my friend the Mover touched on almost every point in favour of this Motion and I see that he did not leave anything unsaid or anything for his supporters to speak about. But I must say one thing, Sir—that there is no doubt that these racial restrictions which have been legalized by the Government do bring about some most unpleasant words in the speeches of those who do not like it. I know that it is wrong to do so but it is very difficult to ask them to use a very pleasant language for expressing a disability which has been imposed, racially, upon non-Europeans in this country, which is causing them colossal expenditure in buying essential residential properties and then paying tremendously more taxes, because it happened to be far excess in value than the restricted properties.

There were a couple of cases brought to my notice in Mombasa the other day, with regard to Mombasa Township,

[Mr. Haassan]

where we got rid of the legal problem by the consent and the agreement of the parties there. In the Tudor area, where most of the properties have restricted covenants is almost overwhelmingly occupied by Asians today. The legal aspect concerning these covenants was actually removed by the Government and by their owners. Two of my friends own some plots in the lighthouse area and both their houses were very, very old and they were almost condemned by the health authorities as unfit for further residence. The owners were perfectly willing to put up modern buildings at a colossal cost: when they applied to the Government for putting up houses for themselves they were told: "Your plans will be approved and you can have your houses but you shall not be allowed to live there unless your neighbours give in writing that they shall have no objections to your occupying the houses you build for yourselves."

They went round the neighbours; 99 per cent of them gave in writing that they had no objection, and 1 per cent refused to agree to it. Now that is the sort of thing which interferes in the relations that now exist in the towns, such things bring about dissatisfaction and heart-burning. I hope the Government realize that if we bring these things to the notice of the Government, it is because we do not want bad legislation and legislation in the Colony, which is likely to bring about bad relations between the communities, who do not like such a thing to remain any more. It is particularly felt by people who find that a person who can trace his origin to some remote European continental corner—he goes and lives like a lord in the place—a person who is not even fit to be employed by a house, when an Asian is not permitted to do so because he happens to be an Asian. These sorts of things which happen in the towns cause much heart-burning and I consider it is the duty of the Government to do away with it.

Owners, who actually sell their property and are willing to sell their property to the Asians have no objection at all, but because of the Crown lease the neighbours can forcefully claim damages from the owner if he allows

that house to be occupied by a non-European.

With these few words, Sir, I support the Motion.

THE CHIEF SECRETARY (Mr. Coultas): Mr. Speaker, Sir, in replying for the Government in this debate, I feel I really must say to begin with that I also was disappointed in the tone of what otherwise was an extremely well put together speech. The hon. Member during this speech said: "What could be worse than a policy which sets race against race?" I did feel, listening to him, that it was a speech which also tried to do the same thing, or appeared to try to do the same thing.

I hope, Sir, that in future when my hon. friend—who is a very skilled debater—does put his points forward, that he will allow some of his anti-racial feeling to creep out of, rather than into, his debate.

He also quoted to us Tennyson, and while he was on the subject of the Knights of the Round Table, it crossed my mind whether he thought that his "strength was the strength of ten" because his heart was pure. At least that was the impression that I had from him.

Now, Sir, I am afraid that it is totally impossible for me to reply to all the points which the hon. Member has made in his speech, but I would like to say first of all that it is my intention—and I am sure it will be a disappointment to the hon. Mover—once again to restate Government's policy in this matter. This, in fact, is Government's policy: that since 1923 it has been the policy of the Government to impose no racial restriction either as to ownership or as to occupation in its grants of town land in townships and municipalities except when such land has been made available to local authorities at a nominal rental for the specific purpose of providing housing for Africans. I would like to stop here for a second, Sir, and comment on that particular point, which I think the hon. Mover has also introduced into his Motion, and that is—although he himself all the way through the debate said that we must be entirely non-racial—he has, I think, quite rightly, suggested in his Motion that there should be a possible loophole for Africans, as, indeed, the Government has recognized

[The Chief Secretary]

in the past, although I would like to say it has been Government's policy for a very long time now to have no discrimination whatsoever in its legislation.

I go on to say: where any such grants were, however, made prior to 1923 and contain restrictive covenants, these covenants are an integral part of the title on which subsequent dealings in the land, including subdivisions, were founded, and they are in certain circumstances enforceable by the owners of adjacent lands. Such covenants, having been imposed on Crown grants many years ago and having been part of the basis of subsequent purchases and other transactions affecting the land in question, should not now be voided by legislative action. That is a policy upon which the Government has taken a stand now for some time, and at this point I do want to try and impress upon the hon. Mover—who kept apparently accusing Government of everything that has happened since 1923—that the Government has not been responsible for the imposition of restrictive covenants, and I cannot say this too strongly.

Now, Sir, it appears to me that out of this debate there virtually arise three points. First of all the question of contractual obligations; secondly the question of the future of the Crown land which is to be alienated; and thirdly the question of the transfer of private land in the future.

As regards the first point, the hon. Member who has just sat down has dealt with it, and the Government, from 1st June, 1958, have informed the Commissioner of Lands that all grants of land in municipalities, townships and trading centres, except those issued in pursuance of a surrender, and wherever the Crown has established a building scheme, must contain a condition that the grantee shall not impose on any dealings whatsoever with the land a restriction against the occupation of that land by members of any particular race. Although the hon. Mover referred to the negative and unproductive attitude of Government, there, I suggest to him, is a point in the Government's favour. It has already implemented such a policy for its own Crown land for the future.

As regards private land in the future, which is virtually the subject of the

amendment, I shall deal with that in a moment.

As regards contractual obligations, the Government feels very strongly that private covenants are matters of contractual obligations. They are freely entered into and are undertaken by private contracting parties, and the Government feels very strongly that they should not be negated by legislation.

Now the hon. Member said he hoped that the old argument about compensation would not be trotted out again—or words to that effect—because it would be unacceptable. I venture to suggest to him that the compensation to him in cash might be acceptable to him, if the actual argument about compensation is not acceptable.

MR. NAZARETH: I thank the hon. Minister for giving way. My argument has been completely misunderstood.

THE CHIEF SECRETARY (Mr. Coultas): Can I ask him what is going to happen in the case, first of all, of banks and building societies who issued their mortgages on certain values of land and of other properties: if the prices, in fact, do happen to fall, what is going to happen to their investments? Also, over the whole question of high prices; surely this is the problem again of a willing buyer and a willing seller.

Now if the restrictions of land were removed, does the hon. Mover tell me that the value of unrestricted land would not fall and that, for instance, Asian land owners would not suffer financially? I put to him that, in fact, that is what would happen, and there would, in fact, be claims for compensation. Now it is the whole question of compensation which makes Government very chary indeed about interfering with contractual obligations.

I would like also to ask the hon. Member, when he replies, to state if at any time any of his community have been challenged—as he himself mentioned in his speech somewhere else it was challenged—a restrictive covenant in that court on the grounds, for example, that a racial covenant is voided as being contrary to public policy as enunciated in the Devonshire White Paper. I should like to know whether that has ever happened and, if so, what was the result.

[The Chief Secretary] of it, because that seems to me to be the complete answer to his argument that, it is the responsibility of the Government. The Government's answer is, in such matters, it is the responsibility of the individual, because these covenants have been entered into freely as between individuals.

He also mentioned a point to which I think I must reply, and that is that the Government—it is always apparently the Government which is at fault—the Government agreed that ex-enemy aliens should take over land in preference to loyal citizens. There again, Sir, I think once more the whole question of British principles of what one is allowed to do as an individual comes into the answer to this question: what is an individual allowed to do? If he, in fact, can make an agreement with another person and it is a wholesome agreement, is it the right of Government to interfere with that individual, even though he may be an ex-enemy alien?

Now, Sir, great play was made by both the Mover and the hon. Member who sat down about having to pay higher rates and higher—I think—taxes—the word "taxes" was also used—because of the higher values in the restricted as against restricted areas. I have these notes which say as follows: "that in restricted areas of Parklands they are valued on unrestricted values; prices are blended together; in the Hill area where there are private restrictions, they are valued in exactly the same way as unrestricted properties". In fact, in every area except Muthaiga, which is the only one acre density in Nairobi, the valuation for rating is based on unrestricted sales.

Sir, it would be possible for me to go on possibly for another 17 minutes trying to impress upon the hon. Mover that the Government is prepared to consider at all times reasonable propositions which are put forward for removing injustices, but I think it would be a waste of the time of this House. It does bring me back at this point to the second point which I raised, which is the question of private land in the future. I am prepared, Sir, to accept the amendment which has been moved by the hon. Specially Elected Member, Mr. Slade, that we should con-

sider whether or not we should introduce legislation—because I think it will mean legislation—to prevent owners of private land in the future putting restrictive covenants on it, because I believe we must move with the times, as the hon. Mover of the amendment himself said. I am prepared to accept that.

The hon. Mover will then see that of two out of the three cases, Government has already taken action on one and it is prepared to examine the second. Once again I must reiterate—because we believe that it is entirely against the principles of fair play and of contractual obligations—that we are not prepared to introduce legislation to deal with such covenants freely entered into.

Mr. Speaker, Sir, I beg to support the amendment.

MR. NAZARETH: I wish to oppose the amendment. I would not object to the omission of the first part if I was getting something of value in the second part, but what the hon. Mover of the amendment seeks to do is to limit the benefit claimed to the future. Now the position is this. Almost the whole of the land which is restricted to European occupation is affected by covenants which would continue in the future, notwithstanding the acceptance of this amendment, with the result that, so far as Nairobi is concerned, where there is very little new Crown land to be granted, most of this land which is held under restrictive covenant would continue indefinitely to be held under restrictive covenants until the leases fell in. In the case of freeholds, they would continue for ever held by the restrictive covenants which apply, so that from a practical point of view this amendment is quite valueless. In the case of Mombasa, where, I presume, there is a great deal of restricted land, the same position would apply.

I think the only practical benefit you would get out of this amendment would be in the case of new Crown land which has not yet been granted to anyone or in cases where the leases fell in, but every covenant would continue to be applicable, because if a sub-lease was granted under the lease, in that case there would be a covenant which the lessee would impose because he is already bound by a covenant—he would

[Mr. Nazareth] impose it on the sub-lessee, that he must not allow Asians to occupy. Therefore from a practical point of view I see no advantage in this amendment.

I do not wish to speak to the other matters because I will have an opportunity of replying later and I do not wish to take up the time of the Council.

MR. MATE: Mr. Speaker, Sir, I support the spirit in which the Mover of the Motion and of the amendment moved their respective motions, but, Sir, I am disappointed at the very amateur and uneasy manner the Mover of the original Motion put the African position. He makes reference here to some reservations to be made if the African community so require, but he concentrated mainly upon what I call the economic value of land, and to my mind he is interested in what money can be made from pieces of land here and there. Mr. Speaker, Sir, my interest in land is beyond the mere money value; I am interested in a method of distribution of land where the African community, who are in some places very congested, could have space to live, space to build and where they could have security, especially in towns. Mr. Speaker, the need for room on the part of the African community is very evident in towns like Nairobi, in areas like Kiambu, North Nyanza, Central Nyanza and in the towns generally, and I feel, Sir, that whatever changes are contemplated by Government, whether it affects land in the hands of the various groups or Crown land, that particular need as opposed to the economic value should be taken into consideration.

I say this, Sir, because I believe the Mover of the Motion in recognizing the need to do something about the African position, was moved by the fact that the African community, as such individually and as a group, are not asleep as are the other communities. And, Sir, I am unhappy at the Mover of the Motion, as he elaborated on how to meet the need for a space to live and a space to breathe, rather than as it were, fraternize the African heart on the question of land.

Without wasting any more time of the Council, I would only like to remark

on what the Minister has referred to as the need for co-operation in this Council. I agree entirely on the need for co-operation and I feel perhaps that differences are exaggerated beyond what I call reasonableness, but Sir, I would like to ask the Minister what he meant by saying that it is only Government that Members who are here help. Did he mean to suggest that Government would go against that which is right just because they are Government, or did he mean to say that Government only acts just as they wish and only when they are in the Government they act and only in the right way. But, Sir, we are not all in the Government. It is an imaginary position, but the question is "How shall it get to be right?" It is not a question of how many people are in Government and so are here. These people are with you and the word co-operation is used actually as a cover and to my mind it is not a question of reason or how many people are in Government. Mr. Speaker, I beg to support.

MR. ARAP MOI: Mr. Speaker, Sir, I also support the spirit but not the motives that have been expressed by various hon. Members. I should have liked to hear the Government say definitely where it stands. I should have felt that Members on both sides ought to have put right the position of the African community as far as residential and commercial areas are concerned. I have got something, Mr. Speaker, to mention as far as restriction on residential areas is concerned. I think the Government is encouraging racial bitterness. I can quote one incident which will support my argument, and this is set aside on a racial basis, one day in 1957 an African education officer was transferred from another area to Eldoret and a European education officer was transferred from that area. He could not then be allowed to live in the house the European education officer was occupying simply because he was an African. He was told to go into an African location where Africans stayed. Why I said before, Mr. Speaker, that the Government encourages racial bitterness is because the officers in the field do not help solve this problem of co-operation and understanding. Indeed, the Government ought to

[Mr. arap Moi] have taken steps to make all restrictions null and void in areas where a mixture of people are living. I think the time has come—I think the hon. Mover did mention that restriction on commercial places or residential places ought to be removed immediately. But this Government is vague in its ideas. We do not know where they stand. They say that "We are not going to force people to agree to what they do not want", but why should Government cause other people not to live where they feel they should? In this debate, Mr. Speaker, I fail to understand why most of the Members who spoke here say that the Africans are conservative. They say that the Africans in Isiolo, Molo and so on and that the Asian and European communities are in an advanced strife, but the educated Africans are fit to live side by side with other communities.

Mr. Speaker, without wasting time, I should like the Government—this very Government—to nullify the present set-up, particularly in towns and the city of Nairobi. Where you find the Indian Bazaar and the European Bazaar, should there be an African Bazaar? I should like to raise that question. All along I have been wanting to know exactly what is the position of the Government as far as Africans are concerned in view of the present development in towns, so far as the City of Nairobi is concerned. Africans have not been given any assurances. They are told now and again that Africans should support Africans in housing, in commercial fields, but I do not see Government yielding to this sort of thing.

I end, Mr. Speaker, Sir, by saying that the obduracy of the Government and the obstinacy of the Government will not make us all come onto a common ground as we should be. The African community is prepared to work together but the Government speaks vaguely on this policy of work together, and while we do not know the policy of Government as yet, it is unacceptable.

The Specially Elected Member, Mr. Slade said something which I was most interested in, that the integration as far as schools and hotels are concerned will come in time. Government has never made this point very clear. We are in

need of schools, both boarding and day integrated schools, but the policy of—"We don't want that" is also unacceptable to us.

Mr. Speaker, I support the Motion.

MR. ODINGA: Mr. Speaker, Sir, I am afraid I would have liked to speak on this particular Motion for a long time, but there is not time. However, I will only speak on a few points.

I would like to correct one mistake. I think, in the Motion itself, although the Motion itself was competently given and I think I congratulate the Mover of the Motion for the same.

One particular thing is that the Africans are not given any exclusive right on land in the towns. I am surprised to hear that it is a fact. I am one of the town dwellers and as a business man I was told when I got into the town that I can only come into the town as any other member of any other race can come to the town.

Mr. Speaker, many people have blamed the Mover of this Motion for his attitude and the tone with which he introduced the Motion, but I do not know whether my European friends are children who need soothing and wooing when their past follies are pointed out to them. If he makes a reasoned argument out of it should be taken in good spirit. The other thing, Mr. Speaker, if the Government is going to adopt the attitude which the Chief Secretary is telling us they are going to adopt, or better say that the covenants which were made in the past are to be preserved by the Government, then I do not think that we shall ever remove any European privileges because there is no privilege which is European which is not enclined by covenant, and besides we shall never be able to remove any of their privileged positions. They will all the time argue that there was a covenant, there was an agreement for 999 years. We cannot go on waiting for 999 years to bring about a change in this country. The Specially Elected Member, Mr. Slade, mentioned something which was surprising. The argument which he advanced was addressed to me by himself when I raised the question of Land Consolidation, that it should be left to take its evolutionary change. Well, he said that we cannot wait. In Kenya we

[Mr. Odinga] cannot wait for that. Kenya is a young country which needs rapid changes, and today when it comes to the point when the interest of his community is affected he is advocating change by evolution should take place less quickly. I do not think that this is a matter for change by evolution.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): On a point of order—in accordance with Standing Order No. 65, as invoked on 2nd December, by a Motion passed by the Council, I must call on the hon. Mover to reply. Mr. Nazareth, would you reply?

MR. NAZARETH: Mr. Speaker, Sir, I think I have to begin my reply by repeating a statement that Mr. Patel made in 1951, namely that points that had been made by him in his speech had not been answered. I have a list of the questions which I asked in the course of my opening remarks, and there is hardly one single one of those questions that has been answered. It is of course unfortunate that we have had to conduct this debate on a matter as important as this under a Motion which so very severely limited the time of the debate. On the other hand I did not feel it right that the case for the Motion should be presented inadequately, and I was therefore compelled to speak at length which left little time, not much time for reply, but on the other hand sufficient to give those who were ready to reply to the debate to answer the questions that I had asked in the course of my speech in moving the Motion. We have had no answer to the question I asked as to why Government intended to pass price control, land is control and rent control legislation but is not prepared to pass legislation of this kind. It is exactly the same, there is no difference. We have had no reply to the question I asked whether any future Government would be out of order in introducing legislation nullifying such racialism. We have had no reply to the question as to the difference between the attitudes of the Kenya and the Uganda Governments. We have had no reply to the question as to whether these covenants are to continue indefinitely affecting freehold land. We have had no reply to the question as to how this Government and the hon. European Elected Members intend to promote a

sense of nationhood when they persist in racial discrimination. If you have a little bit of a stone or mud stuck in your shoe that will keep on troubling you all the time, and it is no use the hon. European Elected Members coming along and telling us: "You must have patience. These things will all disappear in course of time". If you have a piece of freehold land which is bound by this racial covenant unless you introduce legislation that restriction will continue for ever and ever, because freehold land is held for ever and ever.

I simply do not understand the sense of the amendment which has really no area to operate upon. This amendment which has been moved has no area whatsoever to operate upon because until the leases have fallen, as I have said, there will be no land which will not continue to be controlled by this covenant.

There are other questions I asked: on what principle the Government justifies discrimination against its own Asian or non-European Ministers. We are told we must respect the rights of the individual. Well, the right of the individual is to attain racial equality in this country. Is it right that members of a particular race should be compelled to buy land at a much higher price than members of another race merely because at a time when that other race was powerful, it was able to put these covenants in.

The injustice which they achieved by power, the Legislative Council now should, by the power which it possesses, remove. Again, in reply to the question which I asked as to whether the Government favoured ex-enemy aliens: we were told that we must respect individuals—I just do not understand this—surely, if you allow a European ex-enemy alien to acquire land by recognition of racial laws, by enforcement of them through your courts, you prevent in effect your subjects, your citizens, from acquiring it. In what way can it be said that the rights of the individual are being preserved? I really cannot understand these arguments.

Again, I complained that a poorer community was compelled to pay higher prices, higher rates, for the land. In regard to that, the Chief Secretary said that the valuations are no different. Well, I really would like Government to

[Mr. Nazareth] conduct an investigation into the valuations that have been put on restricted and unrestricted land. When I examined the Nairobi Valuation Roll a short time ago, I found pieces of land opposite one another of the same area valued very differently, because restricted land realized a much lower price in the open market than unrestricted land, and the valuer, observing that, since he had to base his valuation on the market price, put a much lower valuation on the restricted land than on the unrestricted land. I am told by the Chief Secretary that the valuations are not different. I have seen the Valuation Roll, and I say they are different, and if the Government wishes to contradict me on that, let it make an investigation—it has got ample resources to make the investigation—and I shall be very surprised to find that the valuations will be found not to differ.

The hon. Member for Nairobi West complained of the tone in which I moved this Motion. Now, this Motion, a motion on these lines, asking only for a select committee, was moved seven and a half years ago, and until we asked a question six months ago, there had been no advance in Government policy, and all the time these injustices were continuing. We were being compelled to pay higher rates, we were being compelled to pay higher prices, and Government took not one step to remove these injustices, and when we asked a question, it took a step which I say was of no practical value at all, because there is very little of this restricted land which is not bound by covenant and it is intended to continue the recognition of these covenants indefinitely. So what progress was made? In the case of new grants, how much land has the Crown to grant out—in Nairobi, in Mombasa? Very little Crown land, and those are the towns in which the Asian mainly resides. So the advance made by the Government was negligible.

We are told that we introduced a racial tone into the debate. Are we not to have at least the consolation of complaining of our grievances? If they are treated in this way are we to go and use sweet tones to complain of the wrongs we suffer? I do not know in what tones the hon. Members on the opposite side wish me to speak. I feel these things, I feel that they are utterly

unjust and I can use no other tones except the tones I use to complain of these injustices.

We are given a lot of soft soap good will. The hon. Member for Nairobi West read out. I do not know whether he wanted to repeat the whole of his speech—a speech he made at Mombasa. What is the use of talking of good will when you will not take the steps that will promote good will. If you put one community under a disability then do not expect that good will comes up out of situations such as these. Before good will can be generated you have got to remove the disability. I can see no other way of removing the disability in this particular case than by passing legislation which nullifies all these restrictions here and now. We are told, "Wait, wait." We are told that improvement will come about. There is the law. The law is built on race. I cannot see how without the aid of the legislature the improvements will come about.

The hon. Chief Secretary asked if we had contested these covenants in court. It is possible in some other countries that if we had contested these covenants in court, we might have been successful. But I do not entertain any very great hopes of successfully contesting these covenants in courts. It may be possible to contest them in courts, but since in this country the policy proceeds to a large extent on a racial basis the chances might not be very great—I express no considered opinion on the matter—of successfully bringing an action to nullify these restrictions. The proper object, the proper body to deal with this policy is not the court. The courts only deal with public policy in a very limited field. The real body to deal with public policy is the legislature; and the legislature has no right to shirk its duty and pass it on to the courts and ask the courts in a country which teems with racial legislation to declare these covenants null and void.

THE CHIEF SECRETARY (MR. COURTS): I thank the hon. Member for giving way.

There is no law to which the hon. Member has been referring. There is no law. Therefore if he wishes to contest this, the best way to do it is through the courts.

MR. NAZARETH: I am afraid that I cannot accept that for a moment. These are the racial covenants in a country which is built on race. That racial covenant is part of the contract that contract will be enforced as long as the courts say that racial legislation is a part of the law of this country. We have got so much racial legislation. We have got it in the Highlands. You cannot come along and say that because this discrimination is against the members of a particular race therefore this covenant is null and void. The courts may not entertain such an argument in a country which is based a great deal on race. In England they might listen sympathetically to it. In Canada they might listen sympathetically to it. But I doubt very much whether in Kenya such an argument would be listened to sympathetically. At any rate I should be very diffident about bringing such a case to court, and even if I thought such a case was likely to be successful I think the proper body to deal with matters of this sort, which relate so fundamentally to public policy questions such as good will and understanding, is the legislature. The Legislative Council and the Legislative Council has no right to shirk its duty if it recognizes, as it appears to do, that these racial covenants are wrong in principle, then it should take the next step which is to declare them wrong by law.

I have very little patience with arguments which ask for good will without being prepared to do justice. You cannot have good will unless it is built on a proper foundation of justice. We are told—I think the hon. Specially Elected Member Mr. Slade said this—that people want to live among neighbours of their own way of living. Nobody is going to compel the Asian to come and live among Europeans. Nobody is going to compel the Europeans to live among the Asians. People will choose those places to live in which they like. If they find that the land is much cheaper they will come along to those areas notwithstanding a certain degree of inconvenience. I do know from my own knowledge that Asians would normally prefer to live among Asians. They find a certain convenience in living next door to Asians. In spite of a slightly higher price they will live among Asians.

But if they have got to pay double and treble then they will not. They will be willing to live in these other parts. I cannot understand the suggestion that people want to live among neighbours and that they should be compulsorily prevented from living in restricted areas. If they want to live in those areas they should not be prevented by the racial covenants from living in those areas. Why does the law recognize these covenants and prevent these people from living where they want to? Nobody forces anybody to live in some area where he does not want to live.

Then the hon. Specially Elected Member said that no authority had been quoted for the removal of restrictive covenants by law. Well, Sir, the Legislative Council can pass laws on any subject within the limits of its jurisdiction, and it can pass laws removing restrictive covenants. We have had no law removing these restrictive covenants for the simple reason that we have an unsympathetic Government which is not prepared to remove them and we have quite a large number of European Elected Members who are not prepared to remove them either. That is the reason why these restrictive covenants have not been removed by law in this country. In other countries, where there is no racial legislation, it is quite enough to go to the courts and on the grounds of public policy they will remove these racial covenants. The Canadian courts declared them to be void, I refer to the covenants against the transfer or alienation of land to Jews.

I will be some little time, Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time for the interruption of business, and I suspend business and adjourn Council until 2.30 p.m. tomorrow, 10th December.

The House rose at fifteen minutes past six o'clock.

Wednesday, 10th December, 1958

The House met at thirty minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

ORAL NOTICES OF MOTION

UNOFFICIAL ASIAN REPRESENTATION

MR. TRAVADI: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, until the introduction of a Common Roll, and so long as Communal Electoral Rolls operate in Kenya, this Council urges that steps be taken to level up unofficial Asian Representation both on the Kenya Legislative Council and the Council of Ministers to that of Europeans and that adequate provision be made for Arab Representation

UNUSED CROWN LANDS IN KENYA HIGHLANDS

MR. ARAP MOI: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT, in view of the future uncertainty of the African squatters and other landless Africans, this Council urges Government to make strenuous efforts to make unused Crown lands within the White Highlands available for them for agricultural purposes.

AFRICAN SCHOOL AGE

MR. NGALA: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council urges Government to allow African children to go to school at the age of six instead of the present ruling of seven years of age.

AFRICAN BOARDING SCHOOLS

THAT in view of the transfers and movements of African Civil Servants and other African employees, this Council urges Government to make Boarding Primary and Intermediate Schools available in selected townships, municipalities, and the city for

children of such employees so as to ensure stability and continuity in the education of their children.

COASTAL LAND FOR AFRICANS

THAT in view of the lack of water, shortage of good arable land and increase of population in most of the native land units in the Coast Province, this Council urges Government to grant more Crown land and the unused alienated land in the coastal strip to Africans for dwelling and cultivation purposes on freehold basis.

CONTROL OF KIKUYU LABOUR

MR. OLE TUPIS: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council urges the Government to revoke the Emergency (Control of Kikuyu Labour) Regulations Government Notice No. 65 of 1953 forthwith

ORAL ANSWERS TO QUESTIONS

QUESTION No. 64

MR. KHAMISI asked the Minister for Education, Labour and Lands:

(a) Is the Minister aware of the persistent requests for the establishment of an African Girls' School to service the Mombasa Area?

(b) If so, what steps are being taken to fulfil this request.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Requests have been made but the requirement is not so immediate as others. African girls who qualify for Intermediate school education and who live too far from a day school can be accommodated in the three Girls' Boarding Intermediate Schools which serve the Coast Province. African girls who qualify for Secondary School education can at present be accommodated in Girls' Boarding Secondary Schools in other parts of the country.

MR. KHAMISI: Mr. Speaker, Sir, arising out of the reply, in view of the fact that all other communities have been provided with girls' schools, does the Minister agree that the provision of such schools for Africans is long overdue?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I agree that schools should be provided for African girls requiring education but in my immediate answer I suggested to the hon. Member that those schools are at present provided for.

MR. KHAMISI: Mr. Speaker, Sir, arising out of the original reply, is the Minister aware of the fact that the majority of Africans resident in Mombasa area are Muslims and the provision of a D.E.B. girls school would raise the number of Muslim girls attending school and that there is urgent need for the provision of such a school?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I am aware of that fact, and expect such considerations will be taken into account in studying the recommendations of the conference on Muslim Education.

MR. NGALA: Mr. Speaker, arising out of the original reply, does the Minister consider the urgency of this request in view of all the circumstances concerning Muslim girls whose parents are poor and cannot pay the expensive boarding fees at Wusi or Ribe?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I would refer the hon. Member to my answer to the preceding supplementary question.

QUESTION No. 69

MR. TRAVADI asked the Minister for Finance and Development what was the total cost to the Kenya Government of the two Commissioners who, at the instance of the Colonial Office, visited Kenya and reported on Asian and European Education, known as the "Woodhead/Harper Report, 1958"?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I beg to reply—approximately £2,100.

QUESTION No. 71

MR. ALEXANDER asked the Minister for Forest Development, Game and Fisheries if the Minister is satisfied that the Game Poaching is properly under control, especially in the coastal region?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, I beg to reply.

I am not yet satisfied that game poaching is properly under control. When the anti-poaching campaign in the Coast Province was at its height in 1956 and 1957, successful results were obtained mainly in or near the Tsavo National Park. The Game Department's anti-poaching team was then divided into two units, which were sent to other areas both within and outside the Coast Province where poaching was known to be taking place. These two teams, acting independently, have not met with the same success as the original team under unified command. The two teams are therefore being reorganized with a view to a single team operating once again in the Coast Province in close co-operation with the Wardens of the National Parks. A small independent team will continue to operate in the Northern Province.

MR. ALEXANDER: Mr. Speaker, is it true that since the anti-poaching campaign the situation has deteriorated, particularly in the area north of the Tsavo National Park? Is the Minister aware that only recently a dead rhino was found on the Mombasa road with seven poisoned arrow heads in its side?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): The position, Sir, I think has deteriorated and I attribute it, in part at any rate, to the fact that many of the poachers who were put in prison at an earlier stage of the anti-poaching campaign have now served their sentences and have come out.

MR. ALEXANDER: Mr. Speaker, arising out of the first reply, is the implication that the anti-poaching campaign under the Game Department is not as successful as it was under the National Parks?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): As I said in my original reply, it has not been so successful, but we are reorganizing the teams in the hope that we can make a success of it.

MR. ALEXANDER: Mr. Speaker, would the Minister agree that the implication there is for the matter to be handed back to the National Parks?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt). The position is, Sir, that we were very fortunate in having an outstanding man in charge of the control teams and he was a member of the National Parks. He had to go back to his ordinary duties and we have had to do the best we could since then. As I have said in my original reply, we split up the team into two and they did not function as well under those circumstances. We are now putting them together again into one team.

MR. NGALA. Mr. Speaker, Sir, arising out of the original reply, can the Minister tell us what steps have been taken to ensure that the Africans desire to co-operate with the anti-poaching teams?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt). I have already pointed out that a number of African assistants have been appointed and we are making use of all the assistance we can obtain.

MR. ALEXANDER. Mr. Speaker, Sir, would the Minister agree that there is desperate need for urgency in this matter? Would he agree with Dr. Fraser Darling, speaking on the radio last night that the position is critical and that we will have no animals left in a few years' time if this is not handled immediately?

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt). No, Sir, I do not agree that the position in regard to poaching is as serious as all that. Nevertheless, the position is serious.

QUESTION No. 78

GROUP CAPT. BRIGGS asked the Chief Secretary if he will make a statement regarding the Unofficial Reports which are circulating on the security situation.

THE CHIEF SECRETARY (Mr. Coutts): Yes, Sir, with your permission, I should like to make the following statement:—

- (1) The Government is aware that, owing to reports that have been circulating recently, confusion exists in the minds of members of the public as to the present security situation.
- (2) The Government has taken decisions on the action to be taken as a result of the examination of these

reports and of all the other information at its disposal and it has made its appreciation of the security situation.

- (3) The Government is determined to maintain the Queen's peace and to prevent both violence and intimidation. It will also take all necessary counter measures against any form of action which, sooner or later, would lead to the incitement of violence and disorders. The Council will be kept fully informed.

QUESTION No. 43

MR. NGALA, on behalf of Mr. Mboya, asked the Chief Secretary to state whether the Government will extend adult suffrage to Africans on their communal roll for the next General Elections. If the answer is in the affirmative, to state when steps will be taken for the necessary preparations. If in the negative, to give reasons why.

THE CHIEF SECRETARY (Mr. Coutts). The Government has no intention of extending adult suffrage to Africans on their communal roll at the present time but this is a matter which could well be discussed within the ambit of the present Constitution.

REPORT

THIRD READING *The Fencing Bill*

THE CHIEF SECRETARY (Mr. Coutts). Mr. Speaker, Sir, I beg to move that the report of the Committee of the whole Council, details of which have been attached to today's Order Paper, should be adopted.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones) seconded.

The question was put and carried.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I beg to move that the Fencing Bill be now read a Third Time.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

LAND OCCUPATION AND OWNERSHIP

Conclusion of debate interrupted on 9th December, 1958.

MR. NAZARETH. Mr. Speaker, Sir, before I deal with the points made in speeches yesterday, I should like to deal with the general theme that ran through some of the speeches that were made in reply—that my speech had a racial tone. I do not know what exactly the Members who complain of a racial tone mean by a racial tone or what is the particular kind of tone which is a racial tone, but if they mean that I was discussing racial matters I do not see how, when racial rights are under consideration and racial disabilities are under consideration one can do anything but discuss the matter in the way I did. I have noticed that this is a favourite kind of answer given when racial matters are under consideration in this Council. The moment one complains of racial disabilities at once the answer is "The Member is being racial".

The Members who replied should have addressed themselves to the argument that I have made in the course of my speech: to that they devoted very little attention, but were mainly concerned with complaining of the manner in which I presented the arguments in support of the Motion. It rather reminds me of the story of the wolf and the lamb; when the wolf found that the lamb was in no way to blame and that the water which was said to be muddy was going from the wolf to the lamb and not from the lamb to the wolf, he said: "If you are not responsible, your father is responsible". And in the same way, when the hon. European Members had no answer to the arguments, they said: "You are being racial".

I think it is time we had an end to that kind of argument. If racial matters are under consideration, I am afraid that the Council will have to listen to arguments which approach the matter from a racial angle because there is no other angle from which the matter can be approached.

The hon. Member, Mr. Slade, said that the purpose of this Motion was to develop harmony and equality of oppor-

tunity, and he asked how we can hope to achieve that purpose if I adopted that kind of tone. He said that I made it difficult for the European Elected Members to sympathize with me in the Motion.

Now, I take it that he had considered the Motion before he came into the Council and that he had considered the line that he was going to adopt in relation to it. No doubt after consideration he moved an amendment to which I have objected—or at least which I have opposed—and which I have said is an amendment that contains no substantial benefit. It will have no area to operate upon and it will have no real content because the restricted land, which we said should be thrown open to all races, is controlled by covenant and if you only introduce legislation in the future but preserve the position of those covenants and refuse to render them null and void, then there will be very little land on which the legislation would operate, with the result that the hon. Member is giving us something that is of no value at all, or of so little value that we might as well have a wholesale rejection of this illusory sort of gift that he is presenting to us.

In a recent debate the hon. Chief Secretary quoted a Latin saying: "*Timeo Danaos et dona ferentes*". Perhaps for the benefit of those who have no Latin, unlike the Chief Secretary and myself, I may say this means: "I fear the Greeks, specially when they come bearing gifts". And I fear the hon. Member, even with his amendment. I would much rather the whole Motion was rejected than the amendment was passed. We would then know where we stand and that the European Members and the Government are not prepared to make any concession of any real value on this issue.

When hon. Members complain of the racial tone which we are said to adopt in such matters, I picture to myself the kind of attitude which hon. Members like the European Minister without Portfolio, the hon. Mr. Slade or the hon. Member for Nairobi West would have adopted in relation to such matters if they had suffered from the same disabilities as we do. I can just imagine the kind of resolute speech that the hon. European Minister without Portfolio would have made; and

[Mr. Nazareth] I can think of the large number of principles which the hon. Specially Elected Member, Mr. Slade, would have invoked in support of his argument that these disabilities ought not to be tolerated for a day longer; and I can think of the coquetry with which the hon. Member for Nairobi West would have elaborated on the theme of the necessity for promoting good will and that no good will could be promoted if the European communities was to suffer from disabilities of the kind that the non-European communities have had to suffer from for so many years. I say in these circumstances they have no right to complain because we complain of the disabilities under which we are placed.

It is said that "he counselleth patience that hath never felt pain" and that is the kind of attitude that is adopted towards us. We are asked to exercise eternal patience because the hon. European Members are unable to place themselves in the position in which we have been and are at present. I might well ask what philosopher is there that could bear the toothache patiently. We are unable to put up with this sort of thing any longer and in fact I feel that we have almost neglected our duty in not having raised this matter for the last seven and a half years. If we had raised the matter during these years perhaps something might have been done. But when we have left the matter to the good sense and the sense of justice of the Government and the European Elected Members, in whose hands I say the remedy lies, nothing has been done all this time. The first step that was taken to remedy the situation was taken after the question was asked in November of 1957—the answer to which was given in May, 1958, which said that only in regard to new grants of land which were not affected by any previous restriction would the Government lay down the condition that no racial covenants were to be imposed or introduced into any leases or transfers or any dealings with that land.

We are told that there are a large number of liberal-minded individuals among the Europeans and that we give no credit to them. Well, if there are a large number of liberal individuals among the Europeans then I would suggest that they ought to bring pressure on

the less liberal minded individuals among them and so bring pressure on the Government, so that through the European community and the Government these matters will be remedied.

It was said that this Motion raised only one facet—quite a small facet—of a much more general question, and that general question was: how to develop economic and social integration of races. Now, of course, you cannot develop economic and social integration of races all in a day. These are matters which you attack piecemeal day by day. And surely one of the most elementary points on which you would attack this question of achieving economic and social integration of races would be to do away with racial rights and disabilities which are not capable of a defence based on rational considerations, based on any consideration of social justice. It is suggested that the achievement of this economic and social integration of races must depend upon voluntary evolution but I should like to know how voluntary evolution is going to put an end to racial restrictions which affect freehold land and which every person dealing with the land, who gets it, will be bound by the covenant to impose on subsequent owners of that land. I do not see how voluntary evolution is going to bring about the end of those racial covenants. The only way that can come about is by legislation declaring those covenants null and void. Unless leases have fallen in, the restrictions will affect all leases until the time they fall in.

The hon. Member said it was not a case of breaking down fences but even of letting fences rot. Well, in that case, if you are not going to break down those fences, they will never rot until those leases which are held for long terms fall in and until the freeholds come to an end—which, of course, is never.

The hon. Member said that by the restrictions which have been introduced and recognized, persons who bought land were assured of a home among neighbours of their own way of living, and it would require very great justification to take away those fetters. I can think of no greater justification to take away those fetters than the justification which I pointed out in my opening speech, that the existence of unequal rights does not

[Mr. Nazareth] promote understanding and good will between different races. As long as races suffer from a sense of frustration, from a sense of deep grievance which cannot be justified by any consideration of social justice, then in that case the paramount object of public policy to enable people to live together in harmony requires the ending of those restrictions. And we know, as a matter of practical policy that in areas like the Hill area, areas like the Parklands area, there have been Europeans and Asians living side by side, and now there are, I think, some African and civil servants living in those areas; and with that situation before our eyes, can it be said that there have been practical difficulties recently experienced by people living together? If then no practical difficulties have been experienced and they are less and less likely to be experienced in the future, has not the time arrived to say that those restrictions that prevent people of different races living side by side should now be ended? I can think of no, more important reason for putting an end to those restrictions than the considerations I have pointed out.

Restrictive covenants will not fade away in course of time unless the law comes to our assistance and the proper place for framing law is the Legislative Council.

Passing on to the speech of the hon. Member for Nairobi West, he took the opportunity given by me apparently—because I quoted three extracts from his speeches—of reading I do not know whether the whole of or half his speech delivered in Mombasa. He said that in recent years there had been a great movement together and I should allow people to do what comes naturally. I have already dealt with the question of what comes naturally and the ending of these restrictions does not come naturally. But I should like to tell the hon. Member that it is no use his delivering all these speeches, all the time reiterating that we are true Kenyans, that we must become true Kenyans, that we must promote good will and harmony and all the rest of it, when he does not do the slightest thing, does not lift a finger, is not prepared to make the slightest sacrifice, to bring about that good will and that harmony.

I should like to see one little instance of where that hon. Member has suggested one step which is likely to promote good will and harmony, attempted to remove a racial disability or put people on an equal footing. It is no use his delivering endless speeches on that point; he has done it time and time again, and I have seen no good come of it, and I do not think any good will come of it unless those speeches are accompanied by practical action, and by a change of attitude on his part when it is a question of practical action. He said we would find tremendous good will and we should have discussed this matter with the hon. European Elected Members before we introduced this Motion. Well, we introduced this Motion and no doubt the hon. European Elected Members had an opportunity of considering this Motion. Had we discussed it with them, would their attitudes have been any different? I have not seen them supporting this Motion. The only speaker who spoke to the Motion, apart from the hon. Specially Elected Member, who is no longer strictly within their ranks, was the hon. Member for Nairobi West, and I am not aware that he gave it any support. Would he have given his support if we had asked him before? Would his community have supported it if he had given us support? Would they have accepted that Motion? I am unable to see what benefit would have come out of our discussing this Motion with him. Why does he want us to discuss this Motion with him if, when the Motion is before him, when he has the opportunity to consider the Motion, it does not lead to any change in his attitude. I think such discussions would have been quite fruitless; had we attempted to discuss the matter with him. The matter is before him; he can give full consideration to it, and on the arguments which I have submitted to this Council, I would submit that he and it could come to no other conclusion, that that the time is overdue for the removal of these restrictions.

I shall not have much to say on what the hon. Asian Minister without Portfolio said, but he asked us to bear in mind the difficulties in the way of the European community. He did not elaborate on that theme; he did not point out what

[Mr. Nazareth] the difficulties in the way of the European community were. The hon. Member for Nairobi West did perhaps point out some, but I consider them of no particular content. The Asian Minister without Portfolio did not point to any particular difficulties: I can see no difficulty in it either.

SIR CHARLES MARKHAM: Interjection

MR. NAZARETH: I feel sure that if the hon. Member for Ukambani approached this matter with an unprejudiced eye and without any commitments, he would see no difficulty in it either.

I do not know how long we are expected to wait for this reform but there is a saying which I think at times is very true: that little reforms are the enemy of big ones. If we deal with this matter in the piecemeal fashion, in which we are asked to accept or deal with it, that is, covenants to be removed in new grants when there is so little land of which new grants can be made, we are asked to deal with the matter in a way in which the real substance of the matter is not approached. As I have said before, I would much prefer that the whole Motion be rejected rather than that it be passed in that emasculated form, and almost one might say a form that has no meaning and no immediate content whatsoever.

The hon. Member for the Eastern Electoral Area made a statement of which I should like to remind the Council; that is, he said that there have been cases where the residents of a neighbourhood have been approached—

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Sir, on a point of order, is not the hon. Member confined in his reply to replying to the debate, and not repeating what other Members said in the debate?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): As Mover of the original Motion the hon. Member is supposed to reply to the debate and not give a second speech, repeating his former arguments.

MR. NAZARETH: Mr. Speaker, I am dealing with statements made in the course of the debate. I am not raising new matter, and I am unaware of what new matter I have raised to which the

Minister for Legal Affairs could object. Am I ruled out of order in commenting on the speech of the hon. Member for the Eastern Electoral Area?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Not at the moment.

MR. NAZARETH: Since I am not ruled out of order, I should like to remind the Council of the statement that he made which I should like to impress on the Government. That is, he said there have been occasions where residents of the area, 99 per cent of them, have consented to the removal of a racial restriction and 1 per cent of the inhabitants have objected. Because of the objection of that 1 per cent, the restriction could not be removed. I have had cases of that kind also brought to my notice in Eldoret, and if such cases exist, is one man out of 100 to be allowed to hold the fort of racial prejudice against the whole of the African community, against the whole of the Asian community, and against 99 per cent of the residents of that area? Such a situation surely requires the aid of legislation to put an ending to this sort of racial prejudice which is held by such insignificant numbers in such cases.

Coming to the statements made by the hon. Chief Secretary, he said it was totally impossible to reply to all the points that I made in my speech. I said it was somewhat unfortunate that this debate had to be conducted under the limitations imposed by the Motion that the debate, except for the Mover's reply, be limited to two and a half hours. It would have been an excellent thing if, having regard to the importance of the subject, the Government had moved a Motion to increase the time available for this debate.

On the question of the Africans, he made a sort of insinuation that although I had all the time all the way through the debate said we must be entirely non-racial, apparently I entered a reservation in regard to the Africans. Now, I had put in a proviso in regard to the Africans, but it is to be remembered that it has been put on a consideration of social justice, which is the foundation of my Motion, and that is, that as long as the Africans are not economically equal to the other communities, for the time being and to the extent that it

[Mr. Nazareth] be necessary to protect them. I cannot see that there is any reason for suggesting that there is an inconsistency in my approach.

Having taken his main stand that these covenants are an integral part of the title, having become part of the basis of subsequent purchases and other dealings affecting the land in question, these, he said, should not be avoided by legislative action. He apparently thinks that the solution he has suggested is quite adequate in the circumstances. Now, if these covenants are an integral part of the title, and it is not the intention of Government to remove them, to put an end to them, then it follows that Government is advancing very little from the position it has taken up in the past not to remove these covenants at all. If it is treating them as an integral part of the title, they can never be brought to an end. For that has been apparently the basis of the stand taken by the Government. He said that I kept apparently accusing the Government of everything that had happened since 1923, that the Government has not been responsible for the imposition of restrictive covenants. Well, of course, there are ways in which responsibility can be imposed on a person, or a person comes under responsibility. If it is the duty of a government to put an end to certain practices or certain laws which cause injustice, then by not taking the necessary steps, Government can be said to be responsible for accepting and enforcing and recognizing these racial covenants. I do not see that merely because Government has not inserted these covenants into titles after 1923 it can escape its responsibility for recognizing them and enforcing them through the machinery of the courts when, if it had passed the necessary laws to implement the policy of the White Paper, all these covenants would have come to an end, and then Government would have done its plain duty to do social justice as between the different communities.

He said that the matter to be discussed fell under three points: as to new grants, he says Government has acted already. Well, I grant that Government has acted already, but I say the area of the operation of its action has been very, very limited indeed. As regards private land,

he said it was virtually the subject of the amendment, and I say the amendment is of very little value to us. With regard to contractual obligations, he said private covenants are matters of contractual obligation and should not be negated by legislation. I have dealt with that already. He said: "I venture to suggest that the compensation to him in cash might be acceptable to him"—if by "him" he was referring to me, I fall to understand what the remark of the Chief Secretary was meant to convey.

The argument that I submitted to this Council was that there would be no case for compensation because the price of land would rise and would not fall in the case of restricted land. In the case of unrestricted land, the land of Asians, I have already dealt with that in my opening, and possibly the speech of the Chief Secretary was prepared before I delivered my speech and, therefore, he was merely repeating an argument which was in his mind which I had answered when I addressed the Council in my opening speech. But if Asian land did fall—and I have dealt with the consequences if Asian land did fall, the loss would mainly be on speculators who have only themselves and their own greed to thank if it did fall (I am quite sure the Asian community would support me in this), the Asian community is quite prepared to accept any fall in prices that may occur. I have not the least doubt about it. It would affect so small a proportion of the Asian community that they need not worry about that aspect of it. As regards the others—those who own restricted land—it would not fall in price. I am unable to see what sort of case based on the question of compensation can be made in answer to the Motion.

He asked what is going to happen to the bank investments and building societies? Now, every day in this country and in every other country, we legislate; and as a result of legislation, people suffer losses and sometimes they make gains. Customs duties are changed; and nobody says people have a vested interest in the state of the customs duty as it is. All sorts of laws are passed, and all sorts of persons and all sorts of things are affected. Nobody says that anybody has a vested right in the state of the law. Have the banks and building societies a vested interest in the law that

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[Mr. Nazareth]

the law should never be changed; that we shall not advance to a position of greater justice? I am quite unable to understand why in the case of banks and building societies or other persons he should put up an argument that certain persons or individuals have vested rights.

Is it the right of the Government, he said, to interfere with an individual even though he may be an ex-enemy alien. I cannot understand that argument. What we say on this point is that the effect of the laws of this country is this: that ex-enemy aliens can buy land where loyal subjects cannot. That is the situation which is sanctioned by the present state of the law. And if that is so, then it is the duty of the legislature to put an end to that situation. It is not a question of preferring ex-enemy aliens by direct selection or anything of that sort: it is simply that the state of the law brings about a state of preference for ex-enemy aliens which should not be tolerated in any well-governed state. I should like to make one correction in the speech of the Chief Secretary. He said that having to pay higher rates and heavier taxes—he said "taxes" were used. I never referred to higher taxes. I referred to rates and higher prices, not higher taxes. I do not think taxes are levied upon land; they are levied upon the unimproved site value of land: rates are levied on the unimproved site value of land, not taxes. There, I think I did not say taxes at any time. If I did, it was a slip of the tongue.

Finally, he rather weakly asserted that the valuation for rating is based on unrestricted sales. Well, I have myself examined, as I said before, the Nairobi Valuation Roll and I saw pieces of land opposite one another and I am not aware that they were subject to different conditions. They were valued at very different sums, and I have no doubt at all—I think one of the persons with whom I examined that Roll had been a member of the Valuation Court—I have no doubt at all that the valuations placed on restricted and unrestricted land are very different; there is a very great difference between the values placed on unrestricted land and those placed on restricted land. But if the Chief Secretary wishes to persist in this contradiction, all he has got to do is—he has the resources at his disposal—to direct an

enquiry to be made on the point so that comparable pieces of land can be compared, one with the other, and the issue settled as a matter of objective fact.

It is no use my making one assertion one moment as a result of my examination and he being informed by his subordinates that the position is different. The rolls will speak for themselves.

I should like to correct a misapprehension on the part of the hon. Mr. Mate. He said that the mover was interested in what money can be made from pieces of land here and there, and he said he was interested in a method of distribution of land for the African community. Now I do not know from what angle the hon. Member has approached this Motion. It was not concerned with the distribution of land, it was concerned with the removing of certain restrictions on land which would be of as great value in the long run certainly to Africans as to Asians, and I could not properly in a Motion of this kind—my speech has lasted long enough—deal with question of distribution of land. I think therefore the hon. Member was hardly in order in bringing up a question of that sort. This Motion in no way brings a disability to the African community, and actually if he will reflect on it he will see that it does nothing but good to the African community. I assure he will see that I could not have dealt with the question of distribution of African land in this Motion.

This Motion, I would like to say in conclusion, raises a great moral issue. If we are going to bring the communities together we cannot possibly continue nibbling at major problems of the kind that have persisted for many many years, and European Members, in whose hands I feel the matter—the remedy principally lies, surely owe a duty to this country to go to their constituents and tell them that the kind of situation that now exists is not one that can be tolerated any longer, and that it prevents a solution of the very grave problems with which we are faced. We cannot, for instance, have a situation in which a European mechanic can be allowed to buy land next to a European doctor but an Asian or African fellow doctor whose ways of living might be as near or nearer to that of the European doctor than that of the mechanic, he is not allowed to buy such

[Mr. Nazareth]

land—when in fact the situation is such that Ministers of the Government are precluded by law, because the law recognizes the validity of certain covenants, from living in certain areas, surely such situations approached from the wider approach, from the moral approach, from the point of view of social justice, cannot be allowed to continue any longer. We are not in that state of society when every African who came into town came in perhaps in a skin or in tattered clothes. You have African Ministers, you have African civil servants, you have such a lot of overlapping now between the different communities, and if there is that overlapping there is no sanction for a situation that where by law you prevent members of certain communities from buying land in areas where members of another community dwell. That is the situation which has persisted and is perpetuated. I say to the hon. European Members that if they passed a resolution in their own Elected Members Organization that they are in favour of the removal of these racial restrictions, I have not the slightest doubt that the Government would heed the persuasion of such a resolution. I do suggest to them that it is their bounden duty, if they want to bring the communities together, to go to their constituents and convince them that there is no justification left in this Year of Grace, 1958, for the continuation of this state of things. I ask the Government to approach this as a great moral issue and I would appeal to the Government that this is an issue on which the Government ought to allow the House a free vote, so that members of different communities can vote upon it according to their conscience.

Mr. Speaker, I beg to support the original Motion and to oppose the amendment.

The question that the words proposed to be left out of the Motion be left out was put and carried.

The question that the words proposed to be inserted therefor be inserted was put, and carried.

MR. NAZARETH: If we have reached the stage at which one can ask for a division I would ask for it.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If you wish to force a

division at this stage I would like you to do so on the final amendment, so if you will allow me, I will propose the amended Motion so that we know precisely what we are dividing on.

DIVISION

The question of the Motion as amended was put and Council divided.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, could you make it quite plain to the House that we are actually divided on the amendment and not the amended Motion?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I must make it perfectly clear as to what we are voting on. As a normal practice when I put the question that certain words be left out of the question the House, if it so wishes, should divide on that. It so happened on this occasion that that proposition was not opposed. The first opposition and the question of a division arose on whether certain words should thereafter be inserted. For that reason I have put the Motion as amended to the House and it is the amended Motion which you are now dividing upon. Those who are in favour of the Motion as amended will vote "Aye" and those who are against it will vote "No". If the amendment is defeated I shall then put the original Motion to the House as a substantive question. We are now voting on the Motion as amended.

The question was carried by 30 votes to 25.

AYES: Messrs. Alexander, Amalemb, Bechgaard, Blunt, Coutts, Crosskill, Sheikh El-Mandry, Mrs. Gecaga, Commander Goord, Messrs. Harris, Havelock, Sheikh Hiuaw, Col. Jackman, Messrs. Griffith-Jones, Hope-Jones, Johnston, Jones, Luteno, Mackenzie, Mathison, Miller, Ngoni, Naloka, Rogers, Rubia, Sade, Smlih, Tyson, Waweru, Webb.

NOES: Mr. Bompas, Group Capt. Briggs, Major Day, Messrs. Gunson, Hassan, Air-Commodore Howard-Williams, Mrs. Hughes, Messrs. Jamidar, Khamisi, Sheikh Mackawa, Sir Charles Markham, Messrs. Maxwell, Mate, Mol, Nazareth, Ngala, Nyagah, Pandya, Major Roberts, Mrs. Shaw, Messrs. Tipli, Travadi, Usher, Sir Alfred Vincent, Mr. Zafrud Deen.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would like to explain to the House for the purposes of record that we have just conducted a rather good exercise on procedure. People very often laugh at the custom of first asking Members to vote on whether certain words should be left out of the question which under our new Standing Orders is supposed to represent the simpler form of putting that question although I personally much preferred the old method as is still used in the House of Commons. Normally Members who wished to oppose this amendment should have voted against the "deletion of certain words". It so happened on this occasion that nobody did so, and therefore it has been resolved that the words be deleted: that resolution was carried and I said so. Then I put the question of the insertion of the other words and there was objection to those, but I could not very well leave the House in possession of a Motion of which half had been expunged. I therefore put the Motion as amended to the House for Members either to vote for or against it. Normally, if it is desired to oppose such an amendment I would beg of hon. Members to oppose the proposition that certain words to be left out. The amended Motion is carried. To make quite sure I will read it out again. (Amended Motion read.)

REGISTRATION OF DOMESTIC SERVANTS

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Matheson): Mr. Speaker, Sir, I beg to move that this Council notes the decision of Government not to implement the recommendation in the majority report of the select committee appointed to consider and report on the situation with regard to domestic service for the introduction of a compulsory registration certificate for domestic servants and approves the intention of Government to encourage the increased use of domestic servants' registration certificates issued under the provision of the Domestic Employment (Registration) Ordinance, reinforced by the introduction of a new national register.

Mr. Speaker, but perhaps for the length of time we have occupied ourselves in this House on the last Motion,

we might have been closer to celebrating a somewhat obscure anniversary, in that on 6th December, 1955, a select committee was appointed by this House to examine the whole field of domestic service and to recommend in what respect existing legislation should be amended and fresh legislation introduced in order to afford a sound basis of mutual confidence between employer and employee. The report of this select committee was laid before the House on 24th July, 1956, and some time has passed during which the Government has been considering this report and considering with particular anxiety whether it could feel justified in accepting and applying what I think the authors of the report would regard as the most significant recommendation in it, namely the recommendation that all domestic servants should be obliged to have a registration certificate.

Although the Government is unable to accept this recommendation I should not like it to be thought that the Government is not grateful for this report, or has not found much in it of great value. There are still six members of the select committee in this House who were signatories to the majority recommendation. I believe at that time our Standing Orders allowed us to regard certain recommendations of a select committee which were not endorsed by all to be a majority report. Those members have contributed substantially towards the study of this problem, and I should like to draw attention to that section of the report which stresses the importance of good employer-employee relationships in domestic service. Under paragraph 4 (a) of the report the committee advised that "the establishment of better relations between employer and employee in the field of domestic service necessitated the employer making himself familiar with the living conditions of his servant with a view to ensuring that he is contented", and then: "To this end, the employer should seek a common means for the exchange of views such as learning properly the language which is to be the medium of conversation between the employer and the employee. . . Furthermore, it is felt that the employer should take more interest in the employee, particularly during the latter's leisure hours and in his

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personal and family affairs so that he feels that he is cared for by the household for which he works. It is appreciated", the authors of the report went on, "that measures of this sort which go towards establishing mutual confidence cannot be covered by legislation". I felt that it was appropriate on an occasion like this that I should draw the attention of this House to that recommendation.

Having considered the general issues which arise in this matter of promoting mutual confidence the committee came to the conclusion that the main problem lay in weaknesses in respect of the registration and identification of persons seeking to be domestic servants. They regarded the principal weakness as lying in the difficulty of identification, and they suggested that a document should be introduced which would bear a photograph and would be easily recognized as a document to which the person presenting it was entitled, and that this document should only be issued to domestic servants who met certain prescribed criteria. But the crux of the argument and the point at which the Government, I think, must part company with the authors of the report is that the possession of this document should for domestic servants be compulsory and that no person who did not possess one could be lawfully employed as a domestic servant. The history of compulsory registration for any purposes on a selective basis in this country has been a history of violent emotion and controversy. Even under the Ordinance of 1929 whereby domestic servants were compulsorily registered (under which they were able to obtain this red book which also initially contained a record of employment and comments by employers on the character of the employee), even under that Ordinance, Mr. Speaker, the procedures were applied only to a limited number of areas of the country. A committee—one of the many committees on this problem—in 1939 found that Ordinance defective, and as is recorded in section 5 of the report of the select committee, that committee of 1939 reported that "while the need for a system of registration existed, the current Ordinance had

certain features which were objectionable, and that the public was not complying with its requirements to a satisfactory extent. The committee therefore recommended that a voluntary system of registration should be introduced which would have application to the whole Colony, and which would not include testimonial entries on documents". That recommendation, Sir, led to the introduction of a new Ordinance, that of 1947, as amended in 1948, which is still in force, the Domestic Employment (Registration) Ordinance under which a voluntary certificate may be obtained.

I shall come a little later on to inform the House how the Government intends to encourage a wider application of this Ordinance, but at this point I feel I should turn to the question of why the Government does not believe that registration of domestic servants should be compulsory. The fundamental reason, Mr. Speaker, is that we do not believe that compulsory registration would be likely to be effective in securing the objective in the terms of reference of the select committee, namely the establishment and promotion of mutual confidence between employer and employee.

I have no doubt that in the course of the debate we shall hear that such a system would tend to encourage confidence on the part of all or some employers, but that by itself would not achieve the objective which the select committee was asked to pursue. Admittedly professional men such as doctors, lawyers, dentists, are obliged to register in order that they may be allowed to practise their professions. The fundamental aim if the intention there is to ensure that such professional men have gone through a certain prescribed course of professional training, and they are being registered as being persons to whom the public can with confidence go. It is important, I think, that if one has to go to a doctor or dentist that there should be some guarantee that these persons are capable. It is also possible if they show incapacity or unsuitability for them to be removed from the register in question and prevented from practising their profession. The same of course applies in the case of

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lawyers and there the client is usually in a better position to observe a certain amount of selectivity in employing a lawyer. We can assume in these professions a long period of training and that technical competence can be assessed by a method of examination and scrutiny of qualification by their peers in these professions. But I doubt whether the same procedure could be applied in the case of domestic servants, since in the matter of competence or reliability there is a vast range of requirements which vary with various employers, and I know of no way to establish a suitable trade test for a domestic servant. I do not wish in any way to belittle the importance, Mr. Speaker, of the relations of confidence which must obtain between employer and employee in domestic service, nor do I wish to suggest that it is not a very important and personal relationship, but I do suggest that domestic servants cannot be placed in the category of the professions to which I have referred.

However, whatever case could be made out from the employer's point of view for compulsory registration it is, I am sure, a fact that it would be widely disliked by the employees and would not lead to that mutual confidence which it is our aim to promote. In the case of any employee who had no objection to registration then of course we have the voluntary system which is on the Statute Book and which we hope will be more widely used. It is also doubtful, I suggest Mr. Speaker, whether if we had a compulsory system even the employers would co-operate on a very wide scale in observing its provisions. This I think was foreseen by the select committee when, in paragraph 7 of their report, they pointed out that some provision would have to be made to impose sanctions on employers as well as on employees, and the policing of such a provision both among the employers and the employees would be a very heavy administrative task which should only be undertaken, I suggest, if the case is absolutely compelling.

Although, Mr. Speaker, I have urged that there are many arguments against a compulsory system of registration, the Government might conceivably have felt that these arguments should have been

overcome if its introduction had been likely to prevent all violent crime within the household by domestic servants against their employers. But all the statistics available to us, which we have examined in some detail, suggest that this course would not achieve that objective. The statistics of crime for the year 1957—and the type of crime I am including here is theft, assault and similar crimes—those statistics show that 82 per cent of the crimes committed by domestic servants are committed by first offenders. Therefore a system whereby a person who had previously been guilty of a crime could not be employed as a domestic servant, would, if these statistics represent the trend that we have no reason to believe they do not, would guard against somewhere in the region of 20 per cent of possible crimes in the household, and the Government is satisfied that to cover this small area of the problem it would be wholly unjustifiable to overrule the weighty arguments against compulsory registration which I have already outlined to this House.

Mr. Speaker, many of the doubts expressed on the policy of Government in this regard relate to the ineffectiveness of the voluntary machinery. However, I took myself the step of proceeding to the Central Registration Office in Nairobi to apply for registration as a domestic servant.

SIR CHARLES MARKHAM: Oh, impossible!

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I agree with the hon. Member for Ukamba that I had very little chance of passing the stringent tests which were applied there, but I felt it would be in the interests of my exposition to this House if I were myself to go through the entire process. The process can be most expeditiously conducted at the Central Registration Office in Nairobi but it can also be conducted at 47 up-country stations of the Labour Department. In addition, there are mobile travelling teams who, if a demand arises in a particular area of the country, can be employed there to effect registration of domestic servants who wish to register. The actual issue of the cards is, however, centralized in Nairobi where there is the closest liaison with the records of the Criminal Investigation Department. The applicant receives an

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application form on which his name, his identity card registration number, his nationality, race or tribe, his permanent address, which includes such details as his district, tribe, chief and location or sub-location, are inserted. The applicant may also supply two photographs of himself if he wishes a photograph to be placed on his certificate of registration. His fingerprints are then taken—and I would emphasize this is a wholly voluntary procedure—as mine were, and these fingerprints are then checked in a very brief space of time against the records in the identification registry, that is the registry maintained under the ordinary Registration of Persons Ordinance, under which we all, I hope, have a blue registration identity card. When these fingerprints have been checked and it is established that the applicant for the voluntary certificate of registration is indeed the person he claims to be, then his fingerprints are sent across to the C.I.D. and a check is made—and this can be done in a very brief period of time—whether he has any criminal record. I have not myself, Mr. Speaker, been long enough in this country yet to acquire a criminal record so I was clear so far as that was concerned for registration as a domestic servant. The Registrar, when he receives a clearance from the C.I.D., considers in the light of the criteria set out in section 9 (b)–(f) of the select committee report whether, in the words of the Ordinance, “the applicant is a fit and proper person to be registered under its provisions”. That is under section 5 (iii) of the Ordinance. If the applicant is an African from Tanganyika, Uganda or Zanzibar the process is also carried out with the C.I.D. in those territories, and I myself saw a record where a person had come down to the application had applied in Kitale, the application had been approved to the Central Registration Office, the applicant was an Msoga, it was referred to Kampala, it was shown that he had a criminal record in Uganda, and the registration was refused within a space of 12 days.

AN HON. MEMBER: A jolly good job.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): If a domestic servant who has been issued with such a certificate is subsequently convicted of an offence the

system operates as follows. Fingerprints of any convicted person, or any person who is held in custody in relation to a crime in circumstances where his fingerprints may be taken—these are passed across to the Principal Registrar, who then checks to see whether this person is registered as the holder of a voluntary certificate. If he is found to be so registered steps are taken physically to withdraw his certificate from him. If he subsequently turns up on a buff card as being again in domestic or other employment it is then the duty of the Registrar to inform the employer that this person previously held such a certificate which was withdrawn because of a conviction. It happens regularly. (Interruption.) I can only state, Mr. Speaker, Sir, in relation to the current interventions that I have myself seen in the records the duplicates of the notifications sent to employers in this regard. I have taken steps to satisfy myself that this is not only in the law but that it operates.

If I may be allowed to digress a little, Mr. Speaker, I would like very briefly to say that the Central Registration Office in fact is a very remarkable organization. It holds more fingerprints than any single fingerprinting organization in the British Commonwealth and it is run with very great efficiency and with a very small and completely multi-racial staff by Mr. Killick, the Principal Registrar. At the centre of the fingerprint element in this Central Registry there is an officer, Mr. Sofat, who joined the Department in 1920 when fingerprinting was first started in Kenya. He is now the Registrar in charge of that Department, where he has been for 38 years, and it is to his devoted skill that the excellence of our system is largely due. It has been recognized by officers from Scotland Yard that the system in Kenya is amongst the most accurate and swift in the world.

May I now turn, Mr. Speaker, to the part of the Motion where it is stated that the Government wishes to encourage the use of this system. It is perfectly open to any would-be employer of a domestic servant to say, “I am not employing domestic servants unless they have voluntary certificates of registration”. If that attitude is adopted by any employers the Government will regard it as wholly legitimate and right attitude.

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The Government also intends to take steps through all labour exchanges, employment offices, to make available to work-seekers information about this voluntary service. We also intend when persons apply for jobs through employment offices as domestic servants to point out to them that their chances of good employment may be greatly increased if they seek voluntary registration. Most important, perhaps, in order to encourage the wider use of this system, the Government has decided to abolish the fee of Sh. 1 at present charged for the issue of an identity card, or rather the issue of a certificate of registration, in order that the charge may not be a deterrent to the wide use of this system.

Mr. Speaker, the main defect which has been found in previous systems of registration was the fact that although through the Central Registration Office any card which contained fingerprints or any fingerprint of a card-holder could be swiftly and readily identified, the same expertise was not at the disposition of the householder who was studying the card presented by a work-seeker at the back door. As I stated earlier, it is possible for domestic servants applying for such a card under the voluntary system, if they produce a photograph, to have that placed on the card as well as a thumbprint. But the main guard against the presentation of such a certificate of a person not entitled to it would be a photograph on the national identity document which all persons should carry or have. It is therefore the intention of the Government to introduce a new national register under which identity cards will be issued which will bear a photograph. There will, Mr. Speaker, be ample opportunity to discuss the exact details of the card to be issued under the new national register when the necessary amendments to the Registration of Persons Ordinance are introduced. Before formulating such amendments I intend myself, if hon. Members will agree, to hold discussions with various groups to seek their advice on the exact nature and content of such a card since I would wish to bring a measure of this kind, if at all possible, before this House

as a completely agreed measure. But I do not wish, unless hon. Members feel it is peculiarly relevant to this debate, to introduce discussion of the details of this new national register into the Motion which is before the House today.

With these words, Mr. Speaker, I beg to move.

MR. WANYUJU WAWERU: Mr. Speaker, I rise to second the Motion. In doing so, Sir, I do not think that I would have very much to add to what has been said by my hon. friend the Minister for Education, Labour and Lands, because he has moved the Motion so ably that he leaves very little for me to say. But as he was moving the Motion it reminded me of the time when the famous *kipande* caused a lot of argument among the Africans throughout Kenya, and as it was replaced by the identity card I think it improved some of the ideas which the African community had in mind, and when I saw that the Government notes that any compulsion to issue registration certificates at this stage would not be practicable I was greatly relieved. I know, Sir, that there was a time when the domestic servants had to complain a lot about their domestic servants' books which were endorsed with all sorts of unfair remarks by the employers who happened to be left by an employee, but when it was amended, Sir, things were much better and the co-operation between the employer and the employee improved. It was very much better than when the employer could write anything he wanted in the employee domestic servant's book.

I think, Mr. Speaker, Sir, that if it is left to the hands of the employee and the employer it will probably achieve some of the aims which are contained in the report of the select committee. If it is introduced compulsorily I am sure that the African community will say this was another *kipande* and the old trouble would be repeated. I think that the Government has been very wise not to make it compulsory but to leave it in the hands of the employer and the employee, I think that is the wisest move.

With these remarks, Mr. Speaker, I beg to second the Motion.

Question proposed.

MRS. SHAW: Mr. Speaker, Sir, as the Mover of a Motion on 6th December, 1955, asking for the registration of domestic servants in the interests of security of householders of all races of Kenya, after one of the most tragic and brutal murders of recent times, I rise to express my bitter disappointment that after two and a half years of consideration of this select committee's report, and the consequent delay, the Government have not seen their way to implement the recommendations of the select committee. That bitter disappointment, Mr. Speaker, will be echoed in many homes in Kenya where householders have been confidently awaiting some such legislation to protect their wives and daughters from the dangers of the violent and horrible death such as was suffered by poor Mrs. Milton and her little daughter at Lanet at the hands of a criminal who had been employed as a houseboy only 24 hours previously and who was in possession of a stolen identity card.

This matter has been my constant concern for three years. So, Mr. Speaker, it is no wonder that I listened to the Minister's speech, when moving this Motion today, with very mixed feelings. I have some feeling of satisfaction at the Government's intention to introduce universal registration—a measure for which I believe our Commissioner of Police has been pressing as he considers it essential for the maintenance of law and order and for the prevention and punishment of crime. Therefore, Mr. Speaker, perhaps some people, some hon. Members, may feel to quote Plutarch, that by foregoing a part we have saved the whole and that by yielding in a smaller matter we have gained a greater.

Even so, Sir, it does not meet our case: for although it is true that there was in that suggested legislation, or rather the Select Committee's Report, a clause barring convicted criminals from obtaining a certificate of registration, it being our object to restrict domestic service to those people who have shown themselves to be worthy of the position of trust, yet that was not our sole object. For by the Resolution passed in this Council on 6th December, 1955, under which a select committee was set up under the chairmanship of the hon. Chief Secretary,

then the Minister for Education, Labour and Lands, the terms of reference, Mr. Speaker, if I may quote, were as follows: "To examine the whole field of domestic service and to recommend in what respect existing legislation should be amended and fresh legislation introduced in order to afford a sound basis for mutual confidence between employers and employees".

Is it "any wonder that I feel bitter disappointment when I learn that Government's refusal to accept the recommendations of a majority report of that select committee, for the results of that resolution will be twofold. First, the failure to introduce a measure designed to give the householders of Kenya the security they have a right to expect. Secondly, a refusal and, to my mind, Mr. Speaker, which is equally important, a refusal that denies recognition to the loyal and faithful servant by refusing him and his integrity, loyalty and good service in a position of trust. The Minister stressed Government's attitude to those people who would object to the implementation on a compulsory basis of this registration. I did not hear him stress the value to the servant who has given loyal service for many years in this Colony and who, in the old days, valued the *kipande* as a testimony of that loyal service.

I am grateful to the Minister for the terms of his Motion, especially for what he says about being grateful to the select committee and in stressing what he says about the value of good employer/employee relations. After listening with great attention, I can only interpret Government's general attitude as being one of support for the principle of registration of domestic servants, and so, Mr. Speaker, the fact that Government has been giving this report its very serious consideration for the past two and a half years bears results—for the select committee report has been, as the Minister said, in Government's hands for over two years, having been received by the hon. Chief Secretary—then the Minister for Education, Labour and Lands—on 14th June, 1956, and it was tabled in this House in July of the same year. Government has done a very great deal of work on the recommendations of that report and has spent many hours examining various methods of implementing these recommendations. For I

(Mrs. Shaw) am making no suggestion, Sir, that Government has treated this very serious matter lightly, and, Sir, they would not have been justified in doing so for these conclusions were not arrived at lightly, I can assure the House, but were the result of many patient hours of work, of the sifting of evidence, both oral and written, taken over many months; and furthermore after examining all the evidence, the committee came to the conclusion, supported by a majority vote of eight to one that the introduction of some form of legislation for domestic servants—which cover under the laws of Kenya all those persons employed in and around a house—should, in the interests of security, be brought about. This was recommended, as I have said, in the interests of the security of householders of all races in Kenya. That being so, Sir, and to my mind there can be no other interpretation of the Minister's words in moving this Motion, nor of the wording of the Motion, then there can only be one explanation of Government's refusal to implement something which they support in principle, and that is one of fear of a political storm. In other words, Sir, Government, in the beginning of this Motion, are asking the women of this Colony—because it is the women mostly who have to encourage and employ this voluntary system of registration—to undertake something without the support of the law which they refuse to undertake with the full backing and support of the law.

That, Sir, I think is fair comment; and with your permission, Sir, I should like to read part of what I said then in moving the original Motion for it is just as applicable today as it was three years ago, and will make the point which I wish to make about the difficulties of introducing a voluntary system. I said then:—

"I am asking hon. Members of this Council to give this Motion their wholehearted support because it is essential in the interests of public safety that a comprehensive system of documentation of domestic servants should be introduced forthwith. From the security angle the need for this has been amply demonstrated by many of the murders committed under the *Mau Mau* and, more recently, by the

double tragedy at Nakuru. The investigation of these horrible crimes has often been hampered by the ineffectiveness of the present system of documentation."

That, of course, Mr. Speaker, will now be rectified, we hope, when universal registration is introduced.

"In fact, it is obvious that many of the documents in circulation today are not worth the paper they are printed on, and I hope, during the course of my speech, to bring evidence of this before Council."

Continuing, I said:—

"It will not be necessary for me to remind hon. Members that, until 1948, we had a very effective system of documentation, with the *kipande* and the Red Book, which was thrown overboard as a result of the demands by the Kikuyu political agitators, the Government at that time being more concerned to assuage public clamour than to ensure public safety. The weakness of their action, which has had disastrous results, has been well described in a leader in the *East African Standard* of 9th November, which, Sir, with your permission, I should like to read—at least, to read an extract from."

This will point to the intimidation which really caused the failure of the Red Book.

"Memories do not have to be very long to remember the lamentable series of abject decisions by the Government, in the face of insolent demands by Kenyatta and his Kikuyu-dominated Kenya African Union, which broke down the whole structure of identification so laboriously and expensively created. The first step, when Kenyatta threatened to burn the *kipande*, was the withdrawal of that very useful document in its established form, and it subsequently lost its value as a combined identification and record of service. The second, no less serious, was the abolition of the Red Book carried by domestic servants which was a reliable guide to character and a coveted possession of all self-respecting employees. The third was the enforced acceptance of a

(Mrs. Shaw) fingerprint registration of the European community as a sop to the Kikuyu agitators."

That is an extract, Sir, from the *East African Standard*.

In order to correct an impression that the hon. Minister seems to have that I base my whole case on a statement that all the recent murders during the *Mau Mau* Emergency were committed in households by domestic servants, I should like to quote what I actually did say in that connexion, which is:—

"The danger to which our householder has been subjected by the discarding of the Red Book has been tragically underlined by the murders under the *Mau Mau* reign of terror—and others—and, in almost every case the murders were either committed by, or with the aid and knowledge of, domestic servants: servants who had worked in and around the house and were therefore conversant with the daily habits and routine of their employers."

And that, Sir, I believe to be completely true.

After hearing those extracts from HANSARD describing the fierce opposition and the widespread intimidation which supported that opposition—and that intimidation was very real indeed, Sir, and as far as the Red Book was concerned was even carried out, I believe, by the clerks actually registering people for the Red Book—after hearing that, does the hon. Minister really believe that we are likely to have any success in introducing a voluntary system of registration for domestic servants without the enforcement of the law?

The hon. Minister must have studied the mass of evidence of intimidation in recent years in this country. If after that he still believes this to be possible, then I submit, Sir, that the hon. Minister has no appreciation of the lengths to which intimidation has gone in recent years, and I have no doubt will be carried again, for intimidation recently has not even stopped short of murder.

The Minister did not tell us approximately how many voluntary certificates had been issued, but I believe the number to be something like 7,000. The

voluntary registration card, to my mind, is a very useless document even if it were taken in conjunction with the universal registration card. It is a very unsatisfactory document for, from the employer's point of view, it does not contain any record of service. Nobody is asking for a character, for, Sir, that can be very much abused, but a record of service does at least show stability of character, and I think one of the greatest disadvantages of no form of registration is that the householder is faced with the boy who does six months here and then applies for a job somewhere else at an increased rate of another Sh. 5 and so it goes, which certainly would be shown if a record were contained in that registration card.

I would like to ask the hon. Minister if he has any idea of what proportion of the domestic servants in this Colony are registered, in fact what proportion that 7,000 represents. I would stress that the hon. Minister, while he has a wide knowledge of East African problems, has not lived in Kenya and he comes from the United Kingdom where law is respected, and the law-abiding citizens support the representatives of the law. I submit, Sir, that he may have very little idea of what we are up against in a colony where the great majority of the people are suspicious of the law, regard the police as their natural enemies and will not lift a finger to help the police force, if they do not actively obstruct them in the carrying out of their duties.

Therefore, before I could appeal, Sir, to the women of this Colony through the most important women's organization—the East African Women's League—to support voluntary registration, I should need to be convinced that Government would be able to control and punish the use of intimidation, and have some evidence—greater evidence than the Minister has given us in moving this Motion today—that they would give their active support to every means within their powers—the upholding of legal sanctions, wide publicity, not only in the townships but throughout the Colony, etc. For I consider it very unrealistic to expect the women of this Colony to bring in voluntary registration on a widespread in voluntary registration on an I basis of domestic servants without, as I have said, the support of the law, when Government are afraid to attempt the

[Mrs. Shaw] introduction of this same registration with the full weight of the law behind them.

It is not very reassuring to see such reluctance to bring in a measure which, if it was considered necessary in 1955, must be all the more necessary on security grounds in the light of the present situation. Whatever Government may decide today, I shall continue to work for the introduction of some form of registration of domestic servants, over and above and after universal registration has become law, to ensure on security grounds that domestic service should be a closed shop to criminals. I believe, in the words of Abraham Lincoln, that the probability that we may fail in a struggle ought not to deter us from the support of a cause we believe to be just. Government may want to avoid a political storm but they will not escape a storm of criticism from householders who, as citizens, feel they have a right to this form of protection. Therefore, in order to enable us today to give complete support to the Government Motion, I beg to move the following amendment:—

THAT the Motion before the House should be amended by deleting the word "notes" after "Council" in the first line and substituting the word "regrets"; and further by substituting the word "but" for "and" in the sixth line.

The Motion, Mr. Speaker, would then read:—

THAT this Council regrets the decision of Government not to implement the recommendation in the majority report of the select committee appointed to consider and report on the situation with regard to domestic service for the introduction of a compulsory registration certificate for domestic servants, but approves the intention of Government to encourage the increased use of Domestic Servants Registration Certificates issued under the provision of the Domestic Employment (Registration) Ordinance, reinforced by the introduction of a new national register.

Mr. Speaker, I have much pleasure in moving that amendment, which I hope the hon. Minister, on behalf of Government, will see fit to accept.

MR. SLADE: Mr. Speaker, Sir, I beg to second this amendment. With the hon. Mover, who has put the case for this amendment so well, I very much regret the decision of Government to reject the report of a select committee made some two and a half years ago, which was the report of all but one of the members of that committee, headed by the present Chief Secretary.

I am not merely supporting the amendment because I was a member of that committee. The fact is, Sir, that I feel just as strongly today as I did then, two and a half years ago, that we were right in what we recommended, namely a basis of compulsory registration of domestic servants.

I should like, Sir, to express my sympathy with the Chief Secretary, who now finds himself part of a Government which has rejected his own report. I think I should also express sympathy with the hon. Mover of this Motion, a Minister who only having arrived here yesterday has to move a Motion which is obviously the result of a decision made by Government before he arrived, and under circumstances with which inevitably he is quite unacquainted. As the hon. Mover of this amendment has said, this arises out of problems that have been facing us locally for a very, very long time, and with which it is impossible for anyone to be fully acquainted who has not actually lived among them. I do think it was rather a hard thing for the Minister to have to make out his case for this Motion. This being so, I think he deserves all the more a compliment for having done it so well.

Now, Sir, I would like to get one thing clear, not so much because of what the Minister said in moving the Motion, but because of the general misapprehension which I think has been abroad; and that is that universal registration is really the answer and the larger answer to what was troubling us in the select committee, and when we spoke to the Motion which resulted in the select committee's appointment. It is a fact, Sir, that registration is not in itself the objective of the recommendations of the select committee; it is merely an incidental to give effect to the recommendations. I think the Minister, from the way he spoke, understood that quite well; it

[Mr. Slade] is only the wider public, I feel, and possibly some members of the Council of Ministers, who have not understood that distinction so well. What we were after—and are still after—was the limitation of this particular kind of employment—a position of great responsibility and trust, however humble it might appear—to responsible persons; and the issue of registration arose only as to how you were going to enforce that limitation effectively. Consequently, universal registration in itself is no kind of answer.

Sir, I would emphasize again that what we sought was the restriction of employment in this sphere to responsible persons, in the interests both of employer and of employee. This was made perfectly clear, I think, by paragraph 6 of the report of the select committee. I would like to read that paragraph again it is quite a short one. —

"The case for compulsory registration is based on the necessity to discover whether a person applying for work in domestic service is in fact a suitable person to undertake such work. Your committee is of opinion that some form of registration is necessary and that such registration should be compulsory and selective. In order to satisfy a prospective employer, and also in the interests of the good employee, it is necessary that some certificate of registration should be issued."

That was the point of our report, Sir.

After all there is no reason really to anticipate any justifiable political storm from implementation of that report, because it was entirely on a non-racial basis. It was aimed at application to all employees of whatever race, below a certain range of salary. Nor was it concerned entirely with the elimination of criminals from this class of employment, though that indeed is quite an important factor. It was a case, as the committee said, of finding only in that employment people who were regarded as suitable for such employment. It was precisely analogous, in spite of what the hon. Mover said, to the professions, except for one feature that professions call for some standard of academic qualification as a start, whereas domestic service does not at present do so—though even on that

aspect we did touch in the same report on the matter of trade testing, which we hoped might assume greater proportions in the near future.

However, Sir, one of the great reasons why the professions, in their own interests and those of the public, seek to limit the practice of the professions to a roll, a roll of people regarded as responsible, is to maintain the standards of their profession, in conduct quite as much as in learning. Learning may be the qualification for getting on to the roll, but satisfactory conduct is the qualification for staying on the roll. It is vitally important to all these professions that no one should be allowed to practise, no one who has not measured up to the standards of conduct during his practice. I ask hon. Members to imagine for a moment the effect of trying to put the professions on the same footing as is now proposed for domestic servants; where you have a voluntary roll for lawyers or doctors or architects or who you will, to go on to if they want, and there is nothing to stop a man practising as an architect or a lawyer without being on the roll, and nothing to stop his being employed by someone whether he is on the roll or not. The whole point is gone; and so I suggest the whole point is gone with this other very honourable profession, however humble it may be.

I do question really, Sir, whether the introduction of compulsory registration as recommended by the committee would necessarily involve "violent and emotional controversy"—which I think were the words used by the hon. Mover. If it does involve such controversy, I ask the next question: From whom? Not, I suggest, Mr. Speaker, from good employers or good employees. Is any good employer going to object to a statutory obligation to employ only registered domestic servants? Is any good employee going to object to a statutory obligation to be registered before he seeks employment? I think not, Sir. In fact, I know that all the evidence we had in that committee, from employees who were known to be good, and employers who were known to be good, was to the contrary, that they wanted this very thing. If, Sir, the violent and emotional controversy is coming only from irresponsible employers and un-desirable employees, are we to bow to them, the very people we are trying to

[Mr. Slade] exclude from their present practices? But that is the effect of the argument.

It is suggested, Sir, that this would militate against mutual confidence as between employer and employee. Again, Sir, I say not, where both are deserving of confidence. And the great thing that we want to achieve is that this form of employment is limited to employers and employees who are deserving of confidence. Once you do that, the mutual confidence will follow fairly easily even though it cannot be created by law.

Touching for a moment, Sir, on the point made by the Assistant Minister, who seconded the Motion, I understood that he was saying that compulsory registration would not be desirable because it might involve those testimonials that were so much abused in the past. Well, Sir, if that was the burden of his argument, I need only remind hon. Members that one of the express recommendations of this select committee contained in paragraph 9 (k) was that the domestic service registration—it may have been amended, Sir, I have only got the draft, but I think that was the effect of it—document should have a record of the dates and type of employment but no reference to testimonials or even wages. That is correct? Thank you.

Then, Sir, I must just deal a little further with this point by the hon. Member on the question of crime, and the statistics that show that most domestic servants who get into trouble, while domestic servants, are first offenders. I support very much, Sir, what the hon. and gracious Member for Nyanza said on that point, that our trouble arises if we allow persons of doubtful character to become domestic servants, whether they are people of past criminal record or merely rolling stones, there you have the ideal collaborator for the criminal from outside who may be very hard to convict of any crime himself. The crime may be there, aiding and abetting in some form or another, but it may not be easy to bring home that he is the man who lets in the criminal and makes the crime possible for an outsider. That is where the greatest danger lies, and that is one of the dangers to which the hon. and gracious Member referred when she originally moved for this select committee to be set up.

The other point I must emphasize in support of the hon. Member for Nyanza is very, very important, but I would not blame the hon. Member for not fully appreciating it. That is, the trouble we have had in the past with this voluntary system of registration, from misrepresentation and intimidation. We have plenty of evidence of that from self-respecting employees in this Committee, evidence that, time after time, employees who would have liked to be registered were either told that it had some very derogatory effect on their status, or that it placed them in some kind of bondage, or that they would get into trouble with their fellows if they registered. And the intimidation and misrepresentation was there in very large measure, on the direct evidence of African employees before this select committee. I do, here again, Sir, say that when Government fails to take note of that, and suggests that we just carry on with this system of voluntary registration, they are betraying the good servants in this Colony, the people who want protection; they are pandering to the bad ones, the people who want to make trouble and do not want standards in this service. It is, Sir, I fear, in agreement with the hon. and gracious Member for Nyanza, little more than pathetic avoidance of Government's responsibility, pathetic failure to face the real issue here and meet it, after two and a half years of waverings.

But if we are to resort to this second best, to this "encouragement of an increased use of the voluntary register", then, Mr. Speaker, I ask how it is going to be done, how is this increased use really going to be encouraged?—because it is not going to be easy, even with all the support of the public, the disappointment that you ask now to carry the burden that Government should have borne. With all that, it is not going to be easy unless Government really puts its shoulder to this job, but how is it going to do it? Are the labour officers really going to encourage employers to limit their employment to people who are on the register? Are the labour officers throughout the country really going to tell domestic servants that they are better off with a book which shows that they are responsible people? If so, there is some hope. If not, there is none.

But even with that encouragement, we shall want something more; and that is

[Mr. Slade] a very strong law against misrepresentation or intimidation to defeat the effect of this register, and a very firm enforcement of that law.

Sir, I beg to support the amendment.

Question proposed.

MR. OLE TIPIS: Mr. Speaker, Sir, I rise to support the original Motion, and strongly, very strongly, oppose the amendment.

I think it is gratifying, Sir, to note that the Government has at last stood firm in not implementing the recommendation of the majority report of the Select Committee on compulsory registration of domestic servants.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Bechgaard) took the Chair]

Mr. Deputy Speaker, Sir, if I may be allowed to say so, I would say that the original Motion, the original motive and intention behind the introduction of such a compulsory, discriminatory registration into this country was nothing but mere agitation by a section of diehards who tend to disregard the real issues at stake and who, through their own one-sided outlook, think that the solution to intricate problems regarding good relations between the employer and employee can be found in having any system of documentation. I think, Mr. Deputy Speaker, that that is quite irrelevant.

To my mind, such a system which is designed or intended to pin down the employee to all sorts of mistreatments and abuses—is intolerable and these people are not only deceiving themselves, but they are completely out of date in their own way of thinking. I entirely fail, Mr. Deputy Speaker, Sir, to see how any system of documentation alone can improve the worker's standard of work, reliability and capability. Surely what is required is how best can we improve terms and conditions of service by giving the employee proper incentives and inducements so that he may throw in his lot and do a good day's work to the satisfaction of both the employer and employee. Any documentation or anything of that kind is

not going to get us anywhere in this respect.

Now, Mr. Deputy Speaker, I think—and I think I am right too—that any measure which is designed to evade the real issue, the issues involved in this important matter, which is aimed at exploiting the African workmen is quite inhuman, and should be resisted very, very strongly. I would like also, Mr. Deputy Speaker, to mention here especially for the information of those who keep on agitating for the re-introduction of the old *kipande* system that it is time they really changed their minds. Forget all about that because the Africa has been embarrassed long enough, and will not by any means have anything that smells like the old *kipande*; and he will, if necessary, resist the same by all peaceful means at his disposal.

Now, Mr. Deputy Speaker, if I may go on a bit, this question of the *kipande* and the proper documentary system being of great value both to the good employer and the good employee—how far is that from the truth? I have ample evidence and information to show me that that is only a very false statement indeed, because in parts of Trans Nzoia, where they still issue the old *kipande* and where the African workers cannot be employed unless they have it, what benefits have those workers got for retaining and keeping those *kipandes*? In fact, their wages today are the lowest in the whole Colony. If that is the thing you want to re-introduce, well my idea of what can be termed right is quite different from yours.

Again, it is argued that this system of compulsory registration will deter the criminals. Personally, Mr. Deputy Speaker, I think that no system, no matter how intricate, how well worked out, can prevent anybody who is born a criminal from going round about with his bad activities, and in this case, I do not think this would help at all. The other question of identity—surely, I think, that the present registration of persons would cover that; why should we have another thing added on? What is it for? We are all supposed to carry our identity cards. Do I understand that the present identity card does not provide enough identification details? If it is the question of helping the employer

[Mr. ole Tipis]

to know exactly the identity of the man he is thinking of employing, well, why not add a photograph on to the identity card rather than produce something else?

The other thing, Mr. Deputy Speaker, is this so-called certificate of service for the good employee. Who values it? How many instances and cases have we heard in the past when an employer simply through a day's fault on the part of his employee who had worked for him for years, but since the employer is annoyed there on the spot, orders the employee to produce his *kipande* and puts some queer remarks on it which will prevent this man from getting employment anywhere else. Is this the sort of thing we are now agitating for and would like to have back? Surely not.

We are also employers, and as such we do not want to hear much of this talk about the employee, we are also very deeply concerned in the matter. But if it is a question of just tying the African employee with that old word "boy", no matter how old the man is—the man is 60 years, he has worked for 40 years, he has brought up the children of his employers who are now of age, and these children still call him "boy" Surely this sort of discriminatory thing will never do, and for those who say it is through political storm or the political agitation, I say we cannot ignore that. Their amendment to this Motion is also influenced by their political agitation, I can say that.

With these few words, Mr. Deputy Speaker, I very strongly support the original Motion and very strongly oppose the amendment.

MR. NYAGAH: Mr. Deputy Speaker, Sir, I rise to support the Government Motion, and to oppose the amendment.

If I may briefly mention some of the documents that some of the people likely to be employed as domestic servants carry: one will see what a load it is. Let me take the case of a typical Kikuyu with his Kikuyu, Embu and Meru passbook, the blue identity card, two or three years' *kodi* receipts and, of course, if he happens to be a man who does some work in the house as well as being a driver, he would have to

have his certificate of driving competency. Now to suggest another document, another form to be carried by him, is just going to add to the burden of the informative notes that he is going to carry.

Mr. Deputy Speaker, I will support the Government very, very strongly in trying to introduce a more efficient form of national registration. I believe the blue identity card is not sufficiently detailed enough. It is true that it does not give enough identity; perhaps a photograph, as has been suggested by my hon. friend here, would add to the identity. I would also like to say that the quality of the book is not good enough, particularly when one has got to carry it all the time. If we could improve on the national one for everyone, then no one would stand here or anywhere else to criticize any document on a racial basis. We may like to suggest here that the document that is now in question is not going to be issued on a racial basis, but if we try to look at the figures of the people employed as domestic servants, we will see that more are Africans, and as such, they are looking at these new documents from a racial angle. I am glad it is not going to come out as another form of *kipande* mainly for one section of the country.

I am disappointed that at this time, when I thought we were moving in the direction of having everything on a non-racial basis, this idea of a "professional" form of identity should be introduced. I would like to congratulate the people that advanced the argument that if a person works in one place for six months and then moved to another place, he is indeed an undesirable sort of employee. If there was any record to show that a person has got that kind of record, I think a person like that has got to be termed as an undesirable. But on the other hand, we must also try to argue the case from the other side. What of an employer who every three or six months has to discharge somebody? Who is there to judge whether it is the employer or employee who is at fault? I think the question should be left to the good relationship between the employer and the employee, rather than make a law which will seem to be a discriminatory one, particularly looking at it from the African point of view.

[Mr. Nyagah]

I am glad to hear that the Government has learned a lot from the select committee's report. That alone should give consolation to the people who are probably likely to be disappointed that the Committee's recommendation has not been adopted. That the Government has learned a lot, so the Minister said. The only thing that the Government says will not be worthwhile implementing is the law of compulsory registration for the domestic servants.

I am also pleased to hear the Minister mention that in future, the identity card would not be issued for only one shilling. In my constituency, Mr. Deputy Speaker, some people were carrying these *kipandes* everywhere, and all the time have been asking me to approach the Government and make representations that the fee of one shilling should be at least removed or waived for people who go for renewal of these certificates. I was pleased to hear the Minister say that he is going to have it removed and to encourage the issue of national certificates of identity. I welcome that very much indeed.

With these remarks, Sir, I beg to support the Motion.

MR. ARAP MOI: Mr. Deputy Speaker, Sir, I think this time the Government has taken a very sensible course. It is the only time that it has seen fit to put something reasonable and fair in this House.

I should like to make a few comments on arguments advanced by the gracious lady who moved the amendment. She suggested that by imposing on a domestic servant a compulsory documentary system, one is losing loyal service, integrity and trust which he has maintained for many years. But again, I am advancing another point which I should like, if she were here, I would like to ask her on it. If an employer wants a loyal servant to remain in his employment for many years, he will not sign off his certificate, and this is the reason why the Government did not accept this thing. The domestic servant is all the time being asked to remain for a longer time because his services are required, but the reward for his long service is not recognized. Mr. Deputy Speaker, Sir,

I should like to make the point; I did not hear the hon. Member, Mr. Slade, mention points which Mr. Mathu mentioned in his minority report. He raised so many points in his minority report. He said: "I therefore recommend that no alteration be made at present in the existing legislation which provides for the registration of domestic servants on a voluntary basis. In view of the paramount importance of enlisting the co-operation of organized African labour in the domestic and hotel service, I further recommend that the Government should take any necessary steps to ensure that such co-operation is forthcoming in larger measure so as to strengthen any proposals for the alteration of the law governing domestic service in Kenya".

He further, Mr. Deputy Speaker, recommended: "I therefore recommend that the present system of using 'buff cards' for records of employment should be maintained and more fully used and there should not be the old tying of a servant to an employer who would not sign him off".

During that time, Mr. Deputy Speaker, the select committee received replies of opposition from many Africans from various parts of Kenya—one from Madu African Democratic Union in Mombasa, another one from Hotel and Domestic Servants Association. I should like to thank the Government for not ignoring the views expressed by these people.

I therefore, Mr. Deputy Speaker, say that we should not ignore both sides or both parties. We should like to protect the employees, and also protect the employers and I think the present system justifies the present Motion put forward by the Government.

Therefore, Mr. Deputy Speaker, I support the Government very strongly and suggest that in future it should adopt the present attitude and ignore any measures or any move or manoeuvres that are going underground.

Mr. Speaker, I support the original Motion.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, I thought that once the amendment had been moved by the hon. and gracious lady, there would be a fair amount of confusion from some of the

[Sir Charles Markham] speakers on this side of Council regarding the Motion which has been moved first of all by the Government and then the amended amendment from this side.

After the fairly passionate speech by the Member for Rift Valley South, all he was really getting at was the word "register". But in fact, he was really in opposition to everything concerned with the Motion. The very fact that one of my colleagues had made an amendment to him in favour of the Government Motion in future, Sir, I think that is the method that the Government will have to adopt if they want to get support for their Motion. Ask us to move an amendment and the African Elected Members then will support them.

So with respect to both my hon. friend the Member for Rift Valley South and my friend the Member for Rift Valley North, I would like to make one or two points concerning the Motion before the House and to give them what I think are perhaps valid reasons for not regretting Government's action in not accepting compulsory registration. I think Sir, that they misunderstood the point made by the Specially Elected Member in regard to Mr. Stoltz when he talked about the professions, such as medical, lawyers, architects, etc., when I said it would be quite impossible to have administration based on a voluntary basis under these circumstances; in other words, it would be impossible for a doctor to say "I will be one day on the voluntary register as a doctor", and the next doctor does not bother at all. Now, Sir, the point has been made, and it should be made again now—I wonder how many domestic servants accept the fact that their trade is an honest trade, and their trade is an honourable profession. I would have thought, especially as I have had a very lengthy acquaintance with one or two African friends of mine, that they would resent the implication made by the Member for Rift Valley South that they were not part of any profession. Whether he did that or not, Sir, nevertheless, that was the impression his speech gave to me.

* Sir, the Member for Rift Valley North mentioned the minority report by Mr. Mathu when he mentioned the question of strengthening the buff card system. When I seconded the Motion originally

moved by the hon. and gracious lady, the Member for Nyaanza, I stressed at that time that the buff card was of little value because of two reasons. First of all, it was almost impossible to detect forgeries; and secondly, it was very rarely completed, or if it was completed accurately, nothing ever happened. Now, Sir, in view of what the Minister said when he attempted to become a temporary cook/general earlier today, and tried to register himself as a domestic servant, I would like to ask him two questions. The information he received about how quickly the criminal record, if any, is checked, and the action taken to warn the employer that he has taken on a person with a criminal record may be all very well in practice in a certain amount of cases.

But I wonder, Sir, how many cases there are where the buff card is completed with the remark "deserted" written on it and nothing ever happens at all. I can prove that on dozens of specific occasions which I know, in the country districts particularly, of one certain tribe who quite deliberately have that very charming habit of going on leave, as I said before, when they go on leave they leave for good. Nobody minds, Sir, but if you have a law then why not enforce it? The difficulty always with any card which, if we support the idea of the minority report of Mr. Mathu, is to make that card of some value both to the employee and to the employer. I think, Sir, that during the Emergency we should have learned by now the difficulty of identification of the individual and the difficulty as well of insisting that a person has a buff card which is properly completed, and I will come back to that point in a minute when I refer to the bad employers.

I agree with all those speakers who have confirmed what the select committee mentioned about the habit which was a very bad one of testimonials being written into any form of registration cards. That was extremely bad and there were those people who definitely did try to prejudice the chances of employment of one of their staff when they dismissed him. We used to get the well known testimonial—I remember seeing one years ago—"This boy has taking ways—he takes everything he can get his hands on", and such things. The Africans did

[Sir Charles Markham] I do not understand what it meant but it did mean he did not get employment at the next place. But this voluntary system which the Minister in his speech is now advocating will work only if there are conditions to make it work. Such conditions are that there is a move by all races, particularly my hon. friends the African Elected Members, to encourage their people to participate in this voluntary register. Also there must be active help by the various labour officers in the districts and their staffs, in order to avoid the intimidation mentioned in her speech by the hon. and gracious lady. And again, where Government can persuade the trade union concerned, I think it is the Domestic and Hotel Workers Union, that such a card is of some value to both the employee and the employer. The difficulty always lies with the employee, where he goes to get his card and finds that amongst all the crowd of people looking for work he is the only person who has applied for one. We know what happened before with the intimidation over the red book and I would beg of African Elected Members to persuade their people to do all they can to make this voluntary scheme a success. If it does become a success, which the Government hope for, then the fears expressed by both the hon. and gracious lady and the Specially Elected Member will in some ways be lessened.

Now, Mr. Deputy Speaker, I want to refer to one aspect of this problem which I believe should be mentioned, even though it may be unpopular in certain circles. The reason a lot of us wanted a compulsory register, where the employer had to go through the labour exchange to employ his or her servant, was that we believe there are many people of all races who are not fit to be employers of any domestic servant. You have got people of all races, as I said a moment ago, who will break any law, who will flout any sort of voluntary registration, who will take on anybody quite regardless of whether they have the documents or not, and we thought in the interests of the employee, the African servant, he should be protected from taking a job from somebody who is not fit to employ him. We believe the only way that protection could be gained was by a system of compulsory registration which enforced

appointments to any specific job in domestic service to go through a labour exchange. Government in their wisdom have now decided that is unnecessary and that the scheme shall be voluntary, but I would urge upon the Minister in charge of this Motion to take the strongest possible care that the protection mentioned by the Member for Rift Valley North, the protection for both employer and employee, is really protection and not just a platitude given in this Council.

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

We have seen a great evolution from the days of the old *kipande*: as the Minister stated in his remarks, the registration does not come into this Motion to any great extent and therefore any remarks I have, Sir, concerning the national register will be delayed until the amendments to the Ordinance are brought to this Council, but I would like to end by making one plea, Sir. Just because the opposition, or rather regret, at Government's action has come from the European Members in the first instance, I would again stress to my hon. friends on my left that this is no racial Motion. So far as we are concerned we are anxious, as they are, to obtain in this country a happy and contented domestic service with the protection for the women and children mentioned by the hon. and gracious lady. We realize as well there are difficulties, but it was our opinion, and it is still my opinion, that the Government could have introduced this registration initially perhaps in a town like Nairobi to see how it worked, and I think it is perhaps a matter of regret that as the amendment has stated they have not taken that plunge. It is, with some diffidence that I therefore support the amendment, but not really oppose the Motion in spirit except, Sir, that the Government have not agreed to undertake the registration for which we asked.

MR. MATE: I rise to support the original Motion and oppose the amendment. There is one particular aspect of it that I feel I cannot pass without answering. The Mover of the amendment did refer to a serious position and the nature of employing people with criminal

[Mr. Mate] records, thereby endangering their families employing them. Mr. Speaker, I would like to ask these same Members whether, especially in the Central Province, they have never met men of integrity who are loyal and who are actually as loyal as the speakers to the amendment I feel sure such remarks of a general nature do not run parallel with the praiseworthy statements that the Specially Elected Member says about Africans. I do not think, Sir, that criminal tendencies are confined to the Africans. I would only like to point out that we feel very strongly over this Motion because the majority of domestic servants are Africans. I would like to know how many Europeans are employed as house servants in Kenya not more than 0.0001 per cent of the population. We must look upon it as affecting the African community more than the other communities.

At the same time, there is the difficulty that has taken place so far over these registrations, where African people have felt that whatever alteration is introduced to the *kipande* it affects the African community here. Unless we move to try and bring this problem into light would be labelled agitation, then I think I would be right in concluding that the only duty the African people have is to agitate and agitate again. That is what I call statesmanship as far as these problems are concerned. I would particularly myself like to think that the European Members who are opposing this Motion do so, as the Member for Ukamba said, out of the sheer wish to see an improvement in the so-called profession. Otherwise I must tell them I feel suspicious that there is an element of wanting to become discriminatory towards the Africans. I am sorry to believe it that way, but look at what happened over passbooks, for example; I know books have been cancelled because a chap did not seem to be liked by a particular employer, and moreover the Kikuyu, Embu and Meru have suffered quite a lot over the pass-book question. It is a security measure but they have served as excuses and their opportunities of earning a living have been interfered with. That is why I shall always oppose any form of registration which, to me, seems to affect one community in Kenya more than another.

I would like to see in all spheres of life some certificate like the driver's certificate where all members of all races have the same thing. If they are bad drivers it is not a question of colour—it is a question of a bad driver, and I think we should start to help the more backward members of the community and apply it to all communities since I know some backward Europeans, Asians and Africans. We would have a uniform rule.

Mr. Speaker, I would only like to congratulate the Government on what my friend the Member for the Rift called a very sensible move. I do not see what fears the European community should have at all in this connexion; if they are good to their employees the employees are going to improve, and I do not believe for a moment anyway that responsibilities are a monopoly of any one single race. I think a lot of harm could be done by pride.

I think on the question of fear-phaps of language or customs, and the other thing these must be allowed a chance to settle.

Mr. Speaker, I support the original Motion.

MR. NGALA: Mr. Speaker, Sir, I rise to support the original Motion and oppose very strongly the amendment. Mr. Speaker, Sir, I think the Mover of the amendment said something which to me implied that in a Colony like this the great majority of the people have no respect for law. If I am wrong I hope I will be corrected. If this applied to the African majority, Mr. Speaker, I would like to refute that statement very strongly because there has not been any figure that could show that the great majority of people in this country, having Africans in mind, have no respect for the law. She has also implied that the great majority of the people in this country are suspicious of the law. Mr. Speaker, Sir, I would like to say that law and justice are two different things. The great majority of the people in this country would be quite entitled to be suspicious of the law if it does not contain any justice.

Mr. Speaker, Sir, there are two things, I think, which are very important, and I think they have already been touched on by the Government when the Motion was

[Mr. Ngala] moved—and that is that in any employment the most important thing is the mutual understanding and confidence between the employer and the employee and I do not think that any compulsory registration could help that very essential goodness in matters of employment.

I think that the Government of Kenya, particularly the Minister for Labour, is to be congratulated for his very clear understanding of the necessity of this. I think, Mr. Speaker, Sir, that the argument put forward that employers would like to know suitable people and people who are selected—I think this argument could easily be met by a suggestion that has already been made by the Member for the North Rift that the Domestic Workers' Union, for example, and other workers' unions, are always in touch and in contact with these domestic workers; and any employer wanting good servants, good domestic employees, I think our trade unions are trustworthy enough to give a good report and to give details and particulars of people who can be suitably employed by whatever employers we have in the country.

Mr. Speaker, Sir, I think it is necessary that we observe one small point which is very important—the freedom that a worker should have at the time when he wishes to go away from his employer without necessarily having his conduct or his character spoiled by writings from the employer. In our experience, Sir, we have observed that many employers when annoyed with an employee have a habit of spoiling his name and have a habit of making it very difficult for the employee to get any future job. I think that a device of this type would very much go the disadvantage of the employees. I think the Government is very wise and I am sure they have seen the danger in discouraging this type of device.

MRS. SHAW: Mr. Speaker, I rise on a point of information. The select committee did not support any question of having written character in any document whatsoever. It was merely a record of employment; the dates taken on and the dates signed off.

MR. NGALA: Mr. Speaker, Sir, I thank the hon. and gracious lady for that reminder, but I think that any employer

wishing to have a good employee will take the trouble, on production of such a card, to enquire very seriously so that a person of the right calibre is employed in his or her household.

Mr. Speaker, Sir, I think that there has been one weakness in the views advanced by some people in favour of this registration in that they have quoted very abnormal circumstances relating to a time during the Emergency. They have based their arguments on the situations which existed during the Emergency. Now, Sir, I think it is quite wrong to judge a matter of the whole country on matters that took place during the Emergency in a small area of the country. I think it is for this reason that the Government has seen the wisdom of not supporting this recommendation.

I have one last point, Mr. Speaker. I think it has already been pointed out that in the new national registration scheme photographs of people employed would be incorporated on the registration card, and I hope that this will be very helpful to those who wish to employ domestic servants. As it has already been demanded of the African Elected Members I feel personally that this optional registration has the support of every one of us, and where we can we shall encourage it as much as possible.

With these few words, I wish to support the Government in not supporting this recommendation.

MR. JAMIDAR: Mr. Speaker, Sir, I rise to oppose the amendment and to support the original substantive Motion.

Mr. Speaker, with this system of compulsory registration, if I may use the words, to my mind, and to the minds of many people in this country, it smacks us very strongly of the ancient days of slavery. I believe that slaves used to be branded and had to carry their brands about wherever they went. Attempts, Sir, have been made to justify the carrying of more and more papers by citizens of this country on such grounds as the profession of the domestic servants being an honourable profession. Now, Sir, I have heard so much said about domestic work and domestic service. It is very arduous; it is very dirty; it is even inhuman at times. But to call it honourable—that, Sir, is introducing quite a new light on the subject. I can accept that to do one's

[Mr. Jamidar] own work, whatever is to be done in the house, is certainly essential and might even sometimes be honourable. But it is only a sign of decadence of our civilization that human beings have to be employed to do the work of others; it is quite often inconsistent with all human dignity. The coming generations are certainly going to accept it as a fact that such work is of such a nature and that it had better be left to machines rather than to manual workers. So long, Sir, as we have human beings to do such work for us it is by no means acceptable to us that human beings be put under such compulsory requirements of carrying about papers and the like.

This is one of the rare occasions, Sir, on which it has been possible... Sir, to support the Government and I am very grateful for this opportunity I understand, Sir, and I have been authorized to say this, that the Asian Members are mainly, all, in support of this Motion.

Thank you, Sir.

MR ODINGA: Mr. Speaker, Sir, I think this is one of the rare occasions on which we find we shall support the Government, although reluctantly. We feel that they should have gone a little bit further by deleting even the voluntary registration.

Mr. Speaker, I should not like to go on and waste the time of the House since many points have been raised by my colleagues on this side, but I have one point which I thought should not be left without correction.

The Member for Nyanza made a remark in her speech in which she said that we lived in a country where the respect for law and order means nothing at all. I thought that this is a very extravagant statement which should not be left uncorrected, and I do not wish to take the gracious lady seriously because it is not the first time that I have heard of this phrase being used. It has been used on some other occasions. I think it is most unnecessary and I think that such phrases generally create some ill-feeling among people.

With reference to Africans, I have often heard these phrases used: "Where shall we get reliable and honourable people among the Africans?" "Who will

teach the Africans to say the truth?" I think that such remarks should be avoided so far as possible, because to talk of respect of the law, I do not think that our country here is a country which does not, or which is poorest in the respect of the law; and in actual fact the present crimes, or most of them, are really very new to the Africans, to the life they lived in the olden days. I am sure that worse crimes are being committed everywhere in the whole world and as such we should not actually generalize by saying that it is only in this country that there is no respect for law and order. I am sure that if anybody was talking from his knowledge of the world he should say that probably in our country here, we are the best people in respect of the law.

Mr. Speaker, I have another very small point. It is a warning to many of the employers of domestic servants mentioned by many other speakers. I think it is something really to be noted carefully, particularly by the European employers of the African domestic servants. During the disturbances in the *Mau Mau* which had actually, I think, created in the minds of the people the idea of compulsory registration, you will find that it was written that many of those who committed the worst crimes were some of those domestic servants who had stayed with their masters for many, many years, and that should show you that it was not because they were ordinary criminals that they did that; but it was due to frustration of some sort, and ill-treatment in the houses. As such, Sir, I think it is a warning. It is better to take the warning and try to find a solution to it rather than try to put legislation to safeguard people from them. I do not think that legislation would help in this way. It is always better to find mutual agreement and better ways of treatment. I know that it is not among the Asians or the Africans who really are keen about this legislation, but it is mostly among the European employers of these domestic servants, and as such I would only ask them to be very careful in the way they deal with those domestic servants and the way in which they treat them in their houses. Many of them do complain of the mistreatment they are given by the children and even by those ladies in charge of the houses and as such it would; be

[Mr. Odinga] better for them to take that warning and see that something is done.

Some of the people have remarked that this is an honourable duty. If it is an honourable duty which compares well with a professional man like a lawyer then it needs also a good payment. It would be related properly in order to make it comply with the order which you compounded.

With these few remarks, Mr. Speaker, I support reluctantly the Government Motion.

SUSPENSION OF STANDING ORDERS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, with your permission, before my hon. friend rises to reply, I would like to move that Standing Orders be suspended to the extent necessary to enable the conclusion of the business on the Order Paper. And I would at the same time, on behalf of my hon. colleague the Leader of the House wish Members a Christmas of cheer and goodwill and a New Year of happiness through the advancement of co-operation and understanding.

Question proposed

The question was put and carried.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Speaker, Sir, in replying to this debate I think I should make it clear at the outset with great reluctance that the Government regrets it cannot accept the amendment. To accept the amendment would imply that we shared the regret of the Council that we had decided something. We believe that our decision is right and on those grounds we cannot support the amendment.

I should like to reply as briefly as I may, Mr. Speaker, to some of the points which were made in the course of the debate. I naturally respect the feeling with which the hon. and gracious lady Member for Nyanza felt bound to oppose the decision of Government. We all know the devoted interest which she has taken in problems of this kind and what a spokesman she is for the women of Kenya. But I think it was hardly fair, perhaps, of her to suggest

that the Government was trying to make the women of the Colony undertake the responsibility of registering domestic servants without the support of the law. In fact, the Government has some time ago introduced a law and the law is on the Statute Book which forms the basis for the voluntary registration of domestic servants and if the women of the Colony, were to insist before employing a domestic servant that that domestic servant produced a voluntary certificate of registration, the Government would, as I said earlier in the debate, regard that as a perfectly reasonable attitude for an employer to adopt. An employer, after all, is not obliged to employ any labour which comes his or her way, and if those employers who are nervous lest they should admit in this close relationship of domestic employment a person who has been guilty of a crime in the past, if they wish to safeguard themselves, they may do so by simply refraining from employing any person who does not possess a voluntary certificate of registration. It is surely not for the Government to intervene in such a controversial matter solely to support those who will neither take the time nor the trouble to resolve their own anxieties.

The hon. and gracious lady suggested that the success of the voluntary registration system might be much impeded by the intimidation such as occurred in the past. Although I naturally cannot claim to have her close and intimate knowledge of the events and atmosphere of Kenya in past years, I nevertheless suggest that any intimidation which arose, or any urging on the part of trade unions that certain features of the law as it then stood be opposed, arose from the fact that registration for certain purposes was both selective and compulsory. The system of voluntary registration is neither selective nor compulsory in the sense that any person of any race who wishes to seek employment as a domestic servant, who wishes to apply for a card of this kind, may do so, and the system is purely voluntary. On that basis I would hope that those who object to graded, selective or racially compulsory systems would lend their support to Government in endeavouring to promote the more widespread use of this system.

[The Minister for Education, Labour and Lands]

The hon. and gracious lady suggested, if I did not misinterpret her, that perhaps the motive of Government, in failing to accept this recommendation of the select committee, was fear of causing a political storm, or was it perhaps "a desire to assuage public clamour". Well, I should hate, myself, to describe the dulcet tones of the East African Women's League as public clamour, but I doubt if the action which Government has taken could be judged to have been taken to assuage the opposition of such fairly vocal sections of the public. I can assure the House that this decision has not been taken with a view to assuaging public clamour from any part of the public or any community in this country, but taken by the Government on the merits of the case as we saw it.

If I might return for a moment to this question of intimidation, it is, of course, a fact in law that if there were intimidation of domestic servants who wished to take out a voluntary certificate of registration, such an action would fall fairly under section 233 (a) of the Penal Code where intimidation of this nature is a felony and is punishable by ten years' imprisonment. So no amendment to the law specifically directed at the case of domestic service is required in order to provide the necessary legal powers to deter intimidation of any kind.

The hon. Specially Elected Member, Mr. Slade, suggested that all the Government was doing was to abandon its responsibility and to allow things to go on just as before. I would suggest to the House, Mr. Speaker, that in introducing this Motion I pointed out how the Government proposed positively to encourage the wider use of this voluntary registration system which, if employers insist upon using it, will in fact give them the security which the select committee urge as the objective of its report.

The same Member asked if the labour officers were going to encourage the use of this system and, as I said earlier, it is in fact my intention that at employment offices throughout the country information should be made available to all work-seekers in the domestic employment field on the existence and the availability of this system and the fact

that if they avail themselves of it they are improving their chances of securing good domestic employment.

I feel that I ought to correct what is probably a misapprehension in the mind of the hon. Member for Nyeri and Embu when he referred to the abolition of the payment for the certificate. I should make it clear that the payment which we intend to abolish is the payment of one shilling for the voluntary certificate of registration under the Domestic Employment Registration Ordinance. My remarks do not apply in any way to the payments required in connexion with the reissue of identity cards issued under the Registration of Persons Ordinance.

I welcome, of course, the remarks of the hon. Member for Ukamba when he paid a tribute to the quality of the work and the position of domestic servants. He suggested that a voluntary system would only work if certain conditions were met. The first was that all races were encouraged to participate. I hope that this debate, reports of this debate, and Members of this House will so encourage all races.

The second condition he suggested was that active help should be offered by the Labour Department. I can pledge that help, Mr. Speaker.

The third condition he suggested was that the trade unions and organized labour in this country should lend their support to the voluntary system. I very much trust that that in fact will be so, and there are Members of this House who can help us towards that objective.

For all these reasons, Mr. Speaker, I therefore oppose the amendment and beg to commend the Motion as moved originally by me to this House.

Question that the words to be left out be left out put and negatived.

Question on the original Motion put and carried.

MOTION

MOMBASA PIPELINE DEBENTURE STOCKS

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to move that this Council notes

[The Minister for Agriculture, Animal Husbandry and Water Resources] that Government proposes to guarantee bonds and debenture stocks in the sum of £1,350,000 which will be issued to the banks for the Mombasa Pipeline Board.

Mr. Speaker, this is largely a formal Motion which seeks to carry out the intention of the Council when the Ordinance setting up the Mombasa Pipeline Board was passed in this legislature. At that time I indicated to the Council that the pipeline had been financed by loans from the banks and it was the intention of Government that the board should at the earliest possible opportunity change the loans from the banks into a debenture issue. That has now been done and this Motion seeks to guarantee the debenture issues which have been made on behalf of the banks.

I beg to move

Question proposed

LT-COL. MCKENZIE: Mr. Speaker, I appreciate that this is only a formality and that this loan has now been channelled through the Board, but I would like to know what the repayment conditions are on this loan and what interest is being charged.

MR. ALEXANDER: Mr. Speaker, Sir, the total cost of this project, I understand, is £5,020,000, financed as follows: £1,000,000 from Uganda, £500,000 from the Railways, £2,270,000 to be raised in long terms of money—and what we are talking about today—£1,350,000 which brings us to a total of £5,020,000. And what I would seek information on does follow somewhat from what my friend, the Specially Elected Member, has just asked. That is, the ability of this Board to meet the annual loan charges. Could we be told how it is managing its finances, whether it is balancing its finances at the moment and what are the chances of our Government being called upon to meet its guarantee in respect of this £1,250,000?

I understand that at the moment the Board is in fact operating at a loss, and I wish to be corrected if I am wrong, but what is interesting is, what is the maximum charge that the economy, particularly of Mombasa and those that use its water, is able to afford. If there

is a maximum, then it is clear that beyond that maximum there must be a loss which will reflect on our Government in having to fulfil its obligations under this guarantee.

Mr. Speaker, I beg to support the Motion.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, in reply to the hon. and gallant Specially Elected Member, Colonel Bruce McKenzie, the rate of repayment is the usual one in these cases and the rate of interest is the normal one at which we can float finance at the present time. I am unable, Mr. Speaker, to give the hon. Member any more definite answer. I feel I owe an apology to the House; I have been engaged all this afternoon in some intricate discussions, and I have arrived here without the information. I therefore can only give the hon. Member that answer and assure him that I will give him a fuller one in writing when the debate is over.

With regard to the questions that were raised by the hon. Member for Nairobi West, Sir, it is the intention that the Board will operate at a cost which will return to the Board all charges. On an examination of the finance, it certainly looks as if the Board will be able to do so. I have no reason to believe that the cost of operating the Board will exceed the maximum charges which the port and area of Mombasa can bear. There is only one element in the situation, which is that we have to have a preliminary period over which we can gear up consumption against the amount which flows down through the pipeline. The pipeline is based on a period of time which anticipates the consumption of water of Mombasa.

With that proviso, Sir, I have every reason to believe that the scheme will be self-supporting.

I would like to add one other comment, Sir, and draw the attention of the House to this: this scheme is the biggest single project undertaken in this country of a public utility nature. The estimate was £5,000,000 and it was carried out by contract through the services of the Ministry of Works. I think I would like to record that after

[The Minister for Agriculture, Animal Husbandry and Water Resources] the scheme was completed, so accurate was the basis of computation that the estimate, despite the increase in costs which had taken place during the period of construction, was only £20,000 over and above the original £5,000,000 which had been estimated.

Mr. Speaker, I beg to move

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): That completes the business on the Order Paper. Perhaps I

also, as the person who has the, at times, somewhat onerous duty of presiding over your deliberations, may take the liberty of sincerely wishing you all happiness during the Christmas period and during the next year. (Applause.)

I cannot adjourn Council for any definite period, it will have to be *sine die*, but I understand that probably I shall be asked by the Government to call Members together again somewhere about mid-February.

I now adjourn Council *sine die*.

The House rose at five minutes past Six o'clock

WRITTEN ANSWERS TO QUESTIONS

No. 12

Mr. A. B. TRAVADI (Central Electoral Area) to ask the Minister of Education, Labour and Lands:—

What was the number of children on the Waiting List at the end of 1953, 1954, 1955, 1956 and 1957 at each School that is Government and Aided?

REPLY

I have assumed that the question relates to the number of children who had reached the normal age for their entrance into the lowest class of a primary school, but were unable to enter because no places were available.

Government has been able to fulfil its statutory obligation to provide education for European children, and while no record is kept of waiting lists at aided European schools it is known that no child was prevented by lack of places from beginning his education.

Similarly no Arab child has been prevented by lack of places from beginning his schooling.

Waiting lists are not normally kept at African schools, and it is, of course, not yet possible to provide places for all potential entrants, though very few children have actually been denied admission. The 1957 enrolment in African primary schools amounted to about 80 per cent of the boys and 32 per cent of the girls who had reached the appropriate age.

During the period under review, Government has established five new Asian Primary Schools and two new Asian Secondary Schools in Nairobi and eight aided schools have been built or extended. New aided girls' schools have also been completed in Nakuru and Kisumu.

In spite of this rapid expansion there has been severe pressure on the places available and it has been necessary to allow large classes and to work double sessions in some schools. By these means, however, it has been possible to ensure

that no boy in Nairobi of normal school admission age has been refused admission.

Many parents have, however, preferred to enter their children for aided schools and have at times put their names on a waiting list some years before they reached school age. These waiting lists do not therefore reflect the true position, and the number on them is also increased because of—

(a) the admission of small boys, who could be taken into Government schools, into the girls' schools thus excluding girls who do not wish to attend Government schools;

(b) the retention of over-age girls;

(c) the refusal of girls to accept the many places available at Ngara Road Secondary School;

(d) the refusal of Managers to direct girls to the less convenient schools, e.g. Arya Girls School, Parklands, Cutchi Gujarati Hindu Union School, Parklands;

(e) the establishment of one unorthodox "modern" stream in an aided girls' primary school.

The numbers on these waiting lists were:—

	1953	1954	1955	1956	1957
Nairobi Government Schools	Nil	Nil	Nil	Nil	Nil
Nairobi Aided Schools: Arya Girls'	Nil	10	20	35	60
Cutchi Gujarati	67	56	92	Nil	100
St. Teresa's	Nil	40	80	120	120
Sharda Mandir	50	62	70	45	48
Khalisa	Nil	Nil	Nil	40	50
Central Province	Nil	Nil	Nil	Nil	Nil
Coast Province	Nil	Nil	Nil	Nil	Nil
Rift Valley Province: Trans Nzoua	Nil	Nil	Nil	5	7
Nakuru Parochial	Nil	Nil	Nil	7	10
Nyanza Province: Kisumu	Nil	Nil	8	Nil	Nil
Total	117	168	270	252	395

No. 1

MR. OGUDA (Nyanza South) to ask the Chief Secretary:—

"When the Government intends to lift restrictions on African public and political meetings, especially with regard to limitations on items of the Agenda, time, number of meetings per district per week, and the number of speakers at such meetings."

REPLY

It is the policy of the Government of Kenya to allow members of all communities as much opportunity for expression of political views as is consistent with the maintenance of public order. It must, however, be remembered that the country has not fully emerged from the disturbed conditions of the Emergency and also that over the course of several months a number of unfortunate incidents have occurred at or as a result of African meetings and a number of inflammatory and irresponsible speeches have been made at such meetings. For these reasons the Government is at present unable to lift the restrictions which have been imposed on African public and political meetings. The Government will, however, continue to review the situation periodically, but any increase in the number of meetings permitted will largely depend upon the nature of speeches delivered at meetings and the behaviour of crowds in and around meeting places and in dispersing after meetings.

No. 8

MR. OGUDA (Nyanza South) to ask the Minister for Finance and Development:—

- (a) Has Government received more revenue from African taxpayers this year as a result of the introduction of Personal Tax, and if so, how much is the additional revenue?
(b) On what new services is this extra sum to be spent?

REPLY

(a) As personal tax rates are generally higher than were those of African poll tax, African taxpayers will, no doubt, pay more in direct taxation this year than last. I cannot say how much more since, as this is not a racial tax, the Government does not propose to break

it down into racial groups and, in any case, the year has not ended.

(b) The proceeds of personal tax form part of General Revenue and are devoted to general purposes.

I would, however, refer the hon. Member's attention to the considerable increases in expenditure this year, as compared with last, on such services as education.

No. 9

MR. OGUDA (Nyanza South) to ask the Minister for Local Government, Health and Town Planning:—

Why are A.D.C.s and L.C.s not allowed to grant bursaries to African students wishing to pursue degree courses of their own choice in British Commonwealth countries and dependencies or in the U.S.A.?

REPLY

The law at present provides for the grant of bursaries by A.D.C.s to be subject to the approval of the Director of Education. The purpose is to ensure that public money is not wasted on courses which would not help the applicant to find useful employment in Kenya or on candidates who are not educationally qualified to embark on approved courses.

The Minister for Local Government has not yet made any order setting up African Local Councils. The powers to be granted to these councils have not yet been precisely defined.

No. 10

MR. OGUDA (Nyanza South) to ask the Minister for Local Government, Health and Town Planning:—

- Is Government taking any steps—
(a) to ensure that dams in South Nyanza do not become breeding places for bilharzia-carrying snails?
(b) to stamp out bilharzia in parts of South Nyanza where it is prevalent?

REPLY

The answer to the first part of the Question is that the Medical, Game and Agricultural Departments are co-operating in stocking all dams in Nyanza

No. 25

MR. OLE TIPIS (Central Rift) to ask the Minister for Education, Labour and Lands:—

How many employers have been prosecuted in the Colony for late payment of monthly wages to their African employees during the half-year ending 30th June, 1958, and what is the breakdown of these offenders according to—

- (a) race;
(b) trade or occupation?

REPLY

The number of prosecutions instituted against employers for failing to pay wages on demand when due during the half-year ending 30th June, 1958, was 35, racially distributed as follows:—

- 19 against Africans,
9 against Asians, and
7 against Europeans.

As the occupations were many and varied, ranging from sisal estates to cushionmakers, the information is not easily conveyed in an oral reply, but I will send full details to the hon. Member.

No. 26

MR. NGALA (Coast Rural) to ask the Minister for African Affairs:—

- (a) How the consent of the Wapokomo was sought in regard to the settlement of the Kikuyu ex-detainees in Tana River at Hola?
(b) Why it is necessary to settle the ex-detainees at Hola and not in their own Kikuyu country?

REPLY

(a) The consent of the Wapokomo to the settlement of Kikuyu detainees at Hola was not necessary. The settlement scheme is situated on Crown land and not in the native land unit.

(b) There are three reasons why it was necessary to settle the detainees at Hola:—

- (i) Their own record;
(ii) The state of security in their own districts.
(iii) Sufficient suitable unused Crown land existed at Hola for development as an irrigation scheme.

Province with the types of fish which it is hoped will eradicate disease-carrying snails. The fish are being bred in Kisumu by the Division of Insect-borne Diseases, and it will take between 18 months and two years to complete the stocking programme.

The answer to the second part of the Question is that the Medical Department as far back as 1953 have given instructions that all dams should be fenced, and cattle and human watering points provided down-stream from the dam by a pipe lead through the wall. There are other sources of infection such as swamps, pools and slowly-running streams which should also be protected. The Department have for many years advocated the development of safe sources of water. To this end active encouragement is being given to African district councils to allocate money for this purpose. Stress has also been given to the construction and use of latrines. As to educating the population, efforts have been made for many years by the Education Department through their schools, and by the Medical Department through its own Health Staff and through that of the district councils. The only effective method to eradicate bilharzia is by changing the habits of the people and I ask the hon. Member to use his influence to this end.

No. 11

MR. OGUDA (Nyanza South) to ask the Minister for Local Government, Health and Town Planning:—

- (a) How many of our intermediate schools receive medical assistance in the form of a supply of drugs necessary for the curing of minor ailments?
(b) How often does the Medical Department hold medical inspections in African primary and intermediate schools?

REPLY

(a) Twelve, Sir!

(b) At intervals that the M.O.H. considers necessary for assessing the health of the children and ascertaining the prevalence of disease, as in the case of all schools.

No. 28

MR. NGALA (Coast Rural) to ask the Minister for Education, Labour and Lands:—

(a) How many African labourers have been recruited from Nyanza Province since 1956 up to date to work at Ramisi Sugar Ltd., Kilifi Plantations and Vipingo Estate?

(b) How many of them are still working (on agreement)—give the breakdown according to the place of work?

(c) What are their conditions of service and their wage scales?

REPLY

As it is not customary for a Minister to provide information in respect of individual private undertakings which happens to be in his possession, but is not otherwise available to the public, I regret that I am unable to provide the information sought by the hon. Member

No. 29

MR. NGALA (Coast Rural) to ask the Minister for Internal Security and Defence:—

What schemes has Government incorporated in the training syllabuses of the police at Kiganjo or in refresher courses for officers in the service, to enable the police force in this country to attain better relations with the public?

REPLY

The importance of a proper relationship between the police and the public is constantly emphasized at all levels of police training.

Ten different courses are held at the Police Training School at Kiganjo, ranging from initial training courses for recruit constables to refresher courses for Inspectors. In each of these courses there are 25 lectures on various aspects of the proper relationship between the police and the public. The same lectures, suitably modified, form a part of police training at provincial level.

Examples of the subjects dealt with in this way include—

beat duties and incidents on the beat; receiving reports from the public and initial action at incidents;

dealings with the public in matters relating to the control of traffic;

citizenship;

the objectives of police work;

and many other similar and allied matters.

In addition to the emphasis placed on this subject in police training, the Commissioner of Police has also issued Police Standing Orders which make quite clear the principles which should guide police officers in their relations with the public. With permission, I will circulate extracts from these orders with the official report:—

"4. (i) Police officers must at all times remember that they are public servants and accordingly treat all members of the public with the utmost civility, forbearance, good temper and firmness. A police officer must not allow himself to be moved or excited by abusive or insulting language or threats; by remaining calm himself he will be best able to deal satisfactorily with an angry or aggrieved person. Without the willing co-operation of the community at large, police efficiency is gravely hampered. To attain this co-operation the need for civility, courtesy and firmness in all dealings with the public must be continually impressed upon every member of the force. Good, mannerly conduct implies considerably more than mere abstention from actual rudeness or insult; it means treating all persons, whoever they may be, with the utmost calmness, good temper and politeness whilst at the same time being firm.

(ii) When on duty, police must avoid arguments, gossiping and unnecessary conversation with members of the public, but if questioned by any person should readily give all proper information. An officer asked for his name and number should comply without hesitation. Unnecessary interference with the public should be avoided."

No. 30

MR. NGALA (Coast Rural) to ask the Minister for Internal Security and Defence:—

Why are the members of the coastal tribes often arrested and repatriated to their districts when searching for work in Mombasa?

REPLY

Members of the coastal tribes are only repatriated to their districts from Mombasa if they are found by a court to be vagrants within the terms of section 2 (b) of the Vagrancy Ordinance (Cap. 59). Similar processes operate throughout the Colony.

No. 5

MR. GRAP MOI (Rift Valley North) to ask the Minister for Education, Labour and Lands:—

To state why free medical treatment is not applicable to all teachers and children in all African schools and yet all teachers teaching in these schools are covered by "The African Teachers Service Contributory Pensions Fund"

REPLY

Free medical treatment is not applicable to all children in all African Schools because there is no free schools medical service for school children in Kenya.

A contributory pensions scheme is designed to provide pensions for African Teachers at the end of a specified period of teaching service and not to provide a free medical service for teachers.

No. 41

MR. KHAMISI (Mombasa Area) to ask the Chief Secretary:—

At what stage in the development of African District Political Organizations is it permissible to sanction the establishment of Conventions of African Provincial Political Organizations?

REPLY

The future development of African political organizations from District Associations to a Colony-wide Association depends upon the conduct of those

who control the District Associations who have not yet shown an understanding of public affairs nor a sense of responsibility in respect of political issues.

No. 44

MR. MBOYA (Nairobi Area) to ask the Minister for African Affairs:—

To define the functions of the District Administration as against those of the City Council personnel in Nairobi and under what circumstances either may visit and inspect houses at midnight or thereafter stating also what particular persons may carry out such inspections.

REPLY

The functions of the City Council officers employed in Nairobi's African Estates are numerous. They include the inspection of the estates and the housing, work with village committees and liaison with other departments and organizations working in the areas.

The main functions of the Administration in Nairobi are the preservation of law and order and the collection of revenue. The first part of these duties includes assistance in the enforcement of City Council by-laws.

Under one of the Council's by-laws, No. 563, it is an offence for unauthorized persons to be in the City Council housing between the hours of midnight and 5 a.m. The reason for this provision is to control overcrowding. To enforce this by-law the City Council Estates officers, working under the Superintendent of Estates, inspect premises during those hours.

The Administrative staff, chiefs, headmen and Tribal Police officers, working under the direction of district officers, assist the City Council officers in these inspections.

Administrative staff also carry out inspections to detect other breaches of the law, in particular offences against the Emergency Regulations.

No. 45

MR. MBOYA (Nairobi Area) to ask the Chief Secretary:—

To state whether any of the Kenya African students now studying in Britain were involved in or affected

by the recent race riots in London and Birmingham and further to explain what steps have been taken to ensure the security of these students.

REPLY

I am advised by the United Kingdom authorities that no incidents involving Kenya African students have been reported during the recent disturbances in London and Nottingham. I should like to add that there have been no disturbances at Birmingham, as the hon. Member seemed to imply in his question. As to the measures taken to ensure the security of these students they will be given the same protection as other persons in the United Kingdom. The United Kingdom Government is, in the words of the Home Secretary, determined not to allow "extremists to take advantage of any situation" I have every confidence in the ability of the United Kingdom authorities to maintain law and order.

No. 46

MR. MBOYA (Nairobi Area) to ask the Minister for Local Government Health and Town Planning.

What action he is taking to investigate the objections of African community in Nairobi to increased rents proposed by the Nairobi City Council.

REPLY

As a result of the recommendations contained in the report of a joint Government and City Council Organization and Methods enquiry, it has been agreed that pooled rents in the African Estates shall remain at Sh. 13 for accommodation per person. Rent increases have been agreed in Gorofani from Sh. 13 to Sh. 18 per individual, and in Pumwani from Sh. 40 to Sh. 50 per plot. I received a deputation of African City Councillors who put their views on this subject before me, and subsequently I have made further investigations. Whilst I can naturally give no definite assurance on this point, I understand that it is unlikely that any of the rents to individuals in Gorofani will be raised. In Pumwani the houses have been built by private owners on plots leased from the City Council; again I can give no definite information on this point, but

I estimate that the probable result may be to raise the rent of each family by approximately Sh. 1 per month. I do not consider that this will be a hardship.

No. 47

MR. MBOYA (Nairobi Area) to ask the Minister for Community Development.

How many African women are employed during the recent disturbances in London and Nottingham and in what posts. Also if there is any training programme for African women to take over as Community Development Officers?

REPLY

(a) Twenty-five African women are at present employed by the Department of Community Development in the following posts:

- 1 Community Development Officer (W).
- 15 Homecraft Assistants,
- 4 Assistant Supervisors, and
- 5 Homecraft Instructresses

(b) A two-year course was started at Jeanes School this year, which offers the specialized training which should enable African women to take charge of Community Development Programmes at Divisional level.

No. 48

MR. MBOYA (Nairobi Area) to ask the Minister for Local Government, Health and Town Planning:—

To state how many people there are for every physician, surgeon and hospital beds available through the Kenya Government and what plans there are to improve in this situation in the next five years.

REPLY

(a) There are 178 Government doctors engaged in clinical duties, and 6,049 Government hospital beds, to serve a computed population of 6,188,000. The ratio of doctors to this population is 1:35,000; and of beds 1:1,022.

(b) The Government has no lack of plans for extending its medical services, and progress is only hampered by lack of funds.

No. 2

MR. MATE (Central Province North) to ask the Minister for Works:—

How many miles of all-weather murrum roads does the Meru District enjoy?

How much area does that network cover?

REPLY

Twenty-seven miles of the 101 miles of main roads and nine of the 102 miles of classified secondary roads in Meru District are all-weather in the sense of being passable in anything but extraordinary conditions.

The area of the Meru native land unit served by these roads is 3,349 square miles.

No. 7

MR. MATE (Central Province North) to ask the Minister for Education, Labour and Lands

(a) How many Kenya students have left Makerere after completing their courses for the last three years, 1956, 1957 and 1958—those with degrees and those without degrees?

(b) Of this number, how many have been employed by Kenya Government and how many have found employment outside Government departments?

REPLY

Taking December, 1955, as the starting point, over the three years in question 109 Kenya students left Makerere with degrees or other qualifications. In the same period 13 left without any such qualifications. Of the total, 90 have entered Government service and this number will probably be increased slightly when the full figures for 1958 are available. I have no information on those students who have taken up employment outside Government but, presumably, the remainder have found such employment.

No. 23

MR. D. T. ARAP MOI (Member for North Rift) to ask the Chief Secretary:—

To state whether non-civil servant teachers can become members of political associations.

REPLY

They can become members, but they are subject to a professional code of discipline and they must not allow their political activities to interfere with their professional duties.

No. 53

MR. KHAMISI (Mombasa Area) to ask the Minister for Tourism and Common Services:—

Is the Minister for Tourism and Common Services aware that racial discrimination is practised at the Nyalí Beach Hotel and if so what action is he taking in the matter?

REPLY

I am aware that Europeans only are admitted to the Nyalí Beach Hotel.

I understand that this arises from a special condition in the Lease by which the proprietors of the hotel are required to use their building as a hotel for Europeans and for no other purpose. This matter has been referred by the proprietors of the hotel to the company owning the land, without whose agreement the restriction cannot be removed.

No. 66

MR. KHAMISI (Mombasa Area) to ask the Minister for African Affairs:—

Is it Government Policy that relatives resident in the Reserves can be arrested in respect of non-payment of Personal Tax by absent members of the family?

REPLY

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