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SESSION NO.

LOCATION No.
COLONY AND PROTECTORATE OF KENYA.....

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XXI—PT. I

1945

First Session: 12th to 14th March

CHRONOLOGICAL INDEX

	<i>Column</i>
12th March	1
13th March	6
14th March	40

List of Members of the Legislative Council

President:

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

Ex Officio Members:

- CHIEF SECRETARY (HON. G. M. RENNIE, C.M.G., M.C.)
ATTORNEY GENERAL (HON. S. W. P. FOSTER SUTTON, O.B.E., K.C.)
FINANCIAL SECRETARY (HON. L. TESTER, C.M.G., M.C.)
CHIEF NATIVE COMMISSIONER (HON. W. S. MARCHANT, C.M.G.)
DIRECTOR OF MEDICAL SERVICES, ACTING (DR. THE HON. F. R. LOCKHART).
DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT, C.M.G.)
DIRECTOR OF EDUCATION (HON. R. S. FOSTER, O.B.E.)
GENERAL MANAGER, K.U.R. & H. (HON. R. E. ROBINS, C.M.G., O.B.E.)
DIRECTOR OF PUBLIC WORKS, ACTING (HON. C. H. WALMSLEY, O.B.E., M.C.) (1)
COMMISSIONER OF CUSTOMS (HON. A. W. NORTHROP).
COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER, C.B.E.).

Nominated Official Members:

- HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services).
HON. T. A. BROWN (Solicitor General).
HON. G. P. WILLOUGHBY (Postmaster General, Acting).
HON. J. G. HAMILTON ROSS (Provincial Commissioner, Rift Valley, Acting). (2)
HON. K. L. HUNTER, O.B.E. (Provincial Commissioner, Nyanza).
HON. K. G. LINDSAY, O.B.E. (Provincial Commissioner, Coast).
HON. C. TOMKINSON (Provincial Commissioner, Central).
HON. J. F. G. TROUGHTON, M.B.E. (Economic and Development Secretary).
HON. MBARAK ALI HINAWY (Specially appointed to represent the Interests of the Arab Community).

European Elected Members:

- HON. W. A. C. BOWEN, Uasin Gishu.
MAJOR THE HON. F. W. CAVENDISH-BENTON, C.M.G., Nairobi North.
HON. S. V. COOKE, Coast.
HON. F. J. COULDRAY, D.S.C., Nyanza.
MAJOR THE HON. F. H. DE V. JOYCE, M.C., Ukamba.
MAJOR THE HON. A. G. KEYSER, Trans Nzoia.
HON. W. G. D. H. NICOL, Mombasa.
HON. W. F. O. TRENCH, Rift Valley.
HON. A. VINCENT, Nairobi South.
HON. MRS. O. F. WATKINS, Kiambu.
HON. E. H. WRIGHT, Aberdare.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Indian Elected Members:

- HON. SHAMSUD-DEEN (Central).
HON. S. T. THAKORE (Central).
HON. K. R. PAROO (Eastern).
HON. R. B. PANDYA (Acting) (Eastern). (3)
HON. A. PRITAM (Western).

Arab Elected Member:

HON. SHERIFF ABDULLA SALIM.

Nominated Unofficial Members:

Representing the Interests of the African Community—

- VEN. ARCHDEACON THE HON. L. J. BLECHER.
HON. ELIUD MATHU.

Acting Clerk to Council:

Mr. K. W. Simmonds.

Reporter:

Mr. A. H. Edwards.

- (1) *Vice* Hon. J. C. Stronach, C.M.G., absent on special duty.
(2) *Vice* Mr. S. O. V. Hodge, C.N.G., retired.
(3) *Vice* Hon. A. D. Patel, absent on leave.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

12th March—

- Hon. Mbarak Ali Hinawy.
Hon. Arab member.

13th March—

- Hon. Mbarak Ali Hinawy.
Hon. Arab member.

14th March—

- Hon. R. Daubney, C.M.G., O.B.E.
Hon. Mbarak Ali Hinawy.
Hon. Arab member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FIRST SESSION, 1945

Monday, 12th March, 1945

Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Monday, 12th March, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning Council was read.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to C. H. Wainman, Esq., O.B.E., M.C., Acting Director of Public Works, J. G. Hamilton-Ross, Esq., Acting Provincial Commissioner, Rift Valley Province, Mr. R. B. Pandya, Acting Member for Eastern Electoral Area.

MINUTES

The minutes of the meeting of, 17th January, 1945, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE ATTORNEY GENERAL (MR. FOSTER SUTTON):

Select Committee report on the Motor Vehicles Insurance (Third Party Risks) Bill.

BY THE FINANCIAL SECRETARY (MR. TESTER):

Schedule of Additional Provision No. 4 of 1944.

BY THE COMMISSIONER FOR LANDS AND SETTLEMENT (MR. MORTIMER):
Return of land grants, 1-10-44 to 31-12-44.

BY MR. WILLOUGHBY (ACTING POSTMASTER GENERAL):
Report of Kenya, Uganda and Tanganyika Savings Bank, 1943.

ORAL ANSWERS TO QUESTIONS

No. 82 of 1944—REQUISITIONED PREMISES, MOMBASA

MR. COOKE (COAST):

Is the Government aware of the great dissatisfaction among Europeans and Indians in Mombasa regarding the continued occupation of their dwellings by Service personnel? Will it therefore immediately appoint an impartial committee to review all the requisitions in conjunction with the Service authorities to ascertain whether all or any of these requisitions should be cancelled?

MR. TESTER: Government is aware that dissatisfaction exists among Europeans and Indians in Mombasa whose dwellings are still occupied by Service personnel.

Government does not consider it necessary to appoint a committee to review all the requisitions as they have recently been the subject of a review by the Service authorities. It is not considered possible at the moment to cancel any of the existing requisitions in Mombasa as all are certified by Command Headquarters to be essential at the present time for the use of the services, and Government has no option but to accept these assurances.

The following are details of buildings occupied by Service personnel in Mombasa:—

Fifteen buildings are occupied by the Army, of which Kilindini House has since been sold to the Kenya and Uganda Railways and Harbours; alternative premises have been built to accommodate the displaced tenant of the Seamen's Institute.

[Mr. Tejer]

Three buildings are occupied by the Royal Navy and one by the Royal Air Force.

Of these nineteen buildings several are within the Boom Defence Area and are therefore not eligible for civilian occupation.

During 1944 and 1945 a total of 11 hired and requisitioned houses exclusive of the Post Reitz Hotel and dwelling houses vacated at Nyaali were released and the Service authorities have given their assurance that they will release further buildings at the first possible opportunity.

Mr. COOKE: Arising out of that answer, does the hon. member appreciate that no man can be judge of his own case, and that naturally the Service people will retain these houses unless the matter is gone into by an impartial authority?

NO. 3—INTERNMENT AND EVACUATE CAMPS' PURCHASES

Mr. PRITAM (Western Area):

It is a fact that, in pursuance of Government instructions, 'refugees' and 'internees' camps established at various centres in the Colony are obtaining their requirements of consumer goods from Nairobi through the agency of certain firms? If so, will Government please cause these instructions to be modified in such a way that 'refugees' and 'internees' camps are able to purchase all their requirements in the usual manner from the local trading centres which have been badly hit by the war and should not, therefore, in fairness and equity be deprived of their lawful and legitimate share of trade?

Mr. TESTER: The position is that all camp equipment and all stores such as clothing, blankets, kitchen utensils, etc., are obtained through the military authorities; articles sold in canteens such as cigarettes, tobacco, confectionery and minor necessities are purchased from importing firms through buying agents. These agents are appointed by the military authorities to supply goods to Prisoner of War Canteens and it has been found both convenient and economical to utilize their services for the canteens established in Internment and Evacuee Camps.

With regard to the second part of the question, it is considered that it would not be in the interests of the inmates of the camps or desirable on other grounds for any modification to be made in the present arrangements.

NO. 4—FAMINE RELIEF IMPORTED WHEAT

Mr. PRITAM:

(1) Will Government please state what was the unusual balance of famine relief imported wheat on 31st January, 1945? (2) Having regard to the improved maize position, will Government please consider the advisability of stopping forthwith this wheat being gristed with maize for producing mixed maize-meal, and instead use it for producing flour or atta, thereby saving considerable sums of money which otherwise would be lost if this wheat is used for producing so-called mixed maize-meal?

DIRECTOR OF AGRICULTURE (MR. BLUNT): (1) 163,800 bags.

(2) Wheat for milling into flour and atta is at present being taken from stocks of East African old crop wheat which it is essential to move into consumption as quickly as possible. The output of flour and atta is limited not by wheat supplies but by the capacity of suitable milling plants. It is necessary to continue issuing to certain parts of the Colony a mixed wheat and maize meal in order to dispose of the stocks of imported wheat before deterioration takes place, but in view of the substantial reduction in famine relief requirements the possibility of supplying for sale to the public a granulated wheat wholemeal, ground in posho mills, is being examined.

NO. 5—SURPLUS MAIZE

Mr. PRITAM:

It is a fact that large quantities of maize are now deteriorating? If so, will Government please explore the possibilities of having all such maize, which is really surplus to requirements, converted into granulated sifted maize-meal for export to Zanzibar, where there is a great demand for this commodity, thereby averting a loss which is sure to result from deterioration and weevil infestation?

Tuesday, 13th March, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 13th March, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 12th March, 1945, were read.

NOTICE OF MOTION

Mr. COOKE gave notice of the following motion: That this Council views with apprehension the apparent lack of co-ordinated plans for post-war employment and reabsorption, and asks Government for a full statement of the position.

ORAL ANSWERS TO QUESTIONS

NO. 1—BULK INDENTS

Mr. NICOL (Mombasa):

(1) Has Government any system of inspection of goods bought overseas under bulk indents (cloth from India as an instance, which often contains up to 50 per cent dressing) prior to taking delivery? (2) What profit does Government add to bulk indents for itself and what commission does it charge on individual indents? (3) What is the total profit so far made on its import trading ventures?

Mr. TESTER: (1) Inspections in the country of supply depend upon the type of goods purchased and, if necessary, are carried out by the Government agents in the country of supply. No cloth from India has ever been imported on Government account under bulk indent.

(2) The Government does not add a profit either to bulk indent or individual indent procurements. The general practice is to cover costs and to add an administrative charge varying from 1 per cent to 2 per cent according to the work involved, the value and type of goods involved, estimated to cover the costs of administration.

(3) Government has not entered into trading ventures; importations on Government account are enforced and only assured medium by which certain goods are obtainable from overseas. As stated in (2) above no profits as such

Mr. BLUNT: Large quantities of maize are at present in the reserve stores of the E.A. Cereals Pool. Abnormally heavy deliveries both from Uganda and from the Nyanza Province, as a result of favourable weather conditions, plus decreased consumption, particularly in areas in receipt of famine relief, have resulted in the accumulation of surplus stocks. These surplus stocks have been offered to the Ministry of Food, and it is hoped that it will be possible to effect, at an early date, the export of all maize not required for internal consumption or for the maintenance of a reserve. The type of storage available makes it inevitable that a certain amount of deterioration in quality is experienced between the time the maize is received in store and the time it can be released for consumption or export. Zanzibar is a participant in the E.A. Cereals Pool and all imports of maize or maize products into that territory are controlled by the Zanzibar authorities. Advice has been received from the Economic Control Board, Zanzibar, that no imports will be required from Kenya of maize or maize products during 1945, but the suggestion made by the hon. member will be taken up with the Zanzibar authorities.

BILLS

FIRST READING

On motion of Mr. Foster Sutton the following Bills were read a first time: The Co-operative Societies Bill, the Penal Code (Amendment) Bill, the Land Acquisition Bill, the Local Government (District Councils) (Amendment) Bill, the Traffic (Amendment) Bill, and the Companies (Amendment) Bill, and notice given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

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

[Mr. Terter] are made, but at times it has been necessary, owing to lack of documents or for other special reasons, to fix prices arbitrarily and to work through a suspense account. The net debit or credit arising from these small transactions cannot be known till the suspense accounts are cleared.

No. 9—ASIAN WIDOWS AND ORPHANS' PENSIONS

MR. PRITAM:

Having regard to the very heavy rise in the cost of living in India and the consequent dire distress of widows and orphans of deceased Asian employees of the K.U.R. and H., will Government, in order to alleviate this distress, please take such steps whereby the revised Asian pension scheme for widows and orphans, already approved by the Secretary of State, is put into force at the earliest possible date?

MR. TERTER: The question of altering the existing arrangements regarding Asian widows and orphans pensions has been referred to Mr. L. C. Hill, whose terms of reference are set out in Government Notice No. 199 published in the Official Gazette of February 27th, 1945, for advice.

No. 10—ASIAN TRAVEL ON RAILWAY

MR. PRITAM:

Is it a fact that, due to reasons best known to them, the military authorities have made such changes whereby Asians, irrespective of their rank or pay, are allowed only third-class railway warrants? If so, will Government please make inquiries into the matter since the personnel affected are Asians enlisted or enrolled locally through the Indian Man Power committees?

CHIEF SECRETARY (MR. RENNIE): The military authorities advise that owing to the serious position regarding rolling stock, the question of passenger travel for military personnel was revised in September, 1944, and Indian and Asian warrant officers, and Grade I clerks and artisans were excluded from second class rail travel. In December the matter was reconsidered and arrangements were made whereby the privilege of second

class rail travel was extended to the above mentioned personnel, whether enlisted or civilian.

Third class railway warrants are issued to non-European ranks and Asian civilian employees other than Grade I clerks and artisans.

No. 13—KIBERA

MR. VINCENT (Nairobi South):

What action does Government propose to take to efficiently control Kibera village and to care for those inhabitants thereof who are aged and debilitate?

CHIEF NATIVE COMMISSIONER (MR. MARCHANT): The policy which it is proposed to adopt in regard to Kibera settlement is as follows:—

(1) A social survey of the community which has already been begun is to be completed in detail at the earliest possible date.

(2) An adequate public water supply is to be provided at the earliest possible moment.

(3) A police station is to be built at the settlement, probably on the northern edge of the settlement between it and the Ngong Road.

(4) A European Superintendent for the settlement is to be appointed as soon as one can be obtained and he will remain in charge until his services are no longer required.

(5) Arrangements are to be made for providing either subsistence allowances or issues of food and clothing to destitute old men and women.

(6) All vagrants and in fact any unauthorised person found in the settlement are to be removed therefrom and are not to be permitted to reside there.

(7) Proper social amenities are to be organized.

No. 14—NATURALIZATION OF ALIENS

MR. VINCENT:

Will Government please state if any change in policy with regard to the naturalization of aliens has taken place or is under consideration?

MR. RENNIE: No change of general policy has taken place or is at present contemplated. In view, however, of the

[Mr. Rennie]

difficulty at present being experienced on account of shortage of staff in making suitable and adequate inquiries into the antecedents of applicants for naturalization, it has been decided to suspend, until further notice, the consideration of all applications subject to the following exceptions:—

- (i) Applications from women who lost their British nationality on marriage and whose marriages have been terminated; and
- (ii) applications from British-born women who are married to aliens of enemy nationality.

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) BILL

SELECT COMMITTEE REPORT

MR. FOSTER SUTTON: Sir, I beg to move: That the select committee report on the Motor Vehicles Insurance (Third Party Risks) Bill be adopted.

The Select Committee of this Council appointed to consider the provisions of this measure met on two occasions in Nairobi, the first being on 16th January and the second on 9th March. We had a considerable number of representations on the Bill, and we had a number of persons, representatives of insurance companies and private individuals, who came before us to make certain representations on the measure. I think that in the main we have satisfied the queries that were raised. The amendments we suggest are mostly verbal, and there is only one—I refer to the recommendation that clause 17 be deleted—which involves any question of policy. If I may very briefly take members through the report, I think that might be the best method of dealing with the matter.

We recommend that clause 1 be amended by substituting 1945 for 1944, and that clause 2 be amended by deleting three of the definitions. One is that of "international certificate" which is consequential on the deletion of clause 17, and the others the definitions of "policy of insurance" and "road" and we substitute for them new ones which merely contain verbal amendments. The former definition of "policy of insurance" contained the words "a covering note"; this we now refer to as "a cover note". In the definition of road the only alteration

is to leave out the word "stealing". We recommend that clause 7 be deleted, and the one set out in paragraph 3 of the report be substituted therefor. The old clause provided that "a policy shall be of no effect for the purposes of this Ordinance unless and until there is issued by the insurer to the person by whom the policy is effected a certificate". Here the recommendation we make is that an insurance company be required to issue the certificate of insurance at the same time as the cover note is issued.

Paragraph 4 of the report should read: "That the first paragraph of clause 8 be deleted and the following be substituted therefor". The words "the first paragraph of" were omitted in the printing, but the tabled copy of the report has been amended. After the word "effect" there should be a colon in place of the full stop. The alterations are merely verbal, and were made on the recommendation of the tariff insurance companies in the United Kingdom. In paragraph 5 we recommend that clause 9 (1) be amended by inserting between "certificate of insurance" and "at such police station" in the third and fourth lines of the proviso, the words "or policy of insurance". We felt that it is possible for a person to lose his certificate of insurance, which he is required to produce at the police station, and if he produces the policy it ought to be good enough, so that now a person will have the option of producing either the certificate or the policy. We recommend a further amendment to clause 9 (2) by deleting the words "twenty-four hours" and substituting "forty-eight hours". This clause requires a person, if an accident takes place, to report it within a certain period at a police station, and we felt that in a country where distances are great 24 hours was probably rather a short time and that it would be better to increase it to 48 hours. In the proviso a similar amendment to that made in 9 (1) is made, so that a person under the circumstances set out in the proviso can produce either the certificate or policy. We recommend that clause 10 (1) be amended. It read before: "If, after a certificate of insurance has been issued under section 7 of this Ordinance to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of section

[Mr. Foster Sutton]

5 of this Ordinance (being a liability covered by the terms of the policy) is obtained". We suggest that it reads "If, after a policy of insurance has been effected". The object is that the liability would not have arisen under the old provision until the policy had been actually handed over and we felt that the liability should attach as soon as the policy is effected, irrespective whether it has been delivered or not.

We recommend the deletion of clause 17. We have a number of representations made on that particular clause which reads: "17. No person driving a motor vehicle in respect of which an international certificate has been issued elsewhere than in the Colony shall be required to produce a certificate of insurance, but it shall be the duty of such person to give such information as he may be required by or on behalf of the Commissioner of Police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 4 of this Ordinance". The Committee felt that there can be no hardship in requiring a proper certificate of insurance to be held by every driver of a vehicle on roads in this Colony, and in view of the representations made we felt it was advisable to cut out that particular clause because it might lead to a claim and to a person being defeated in an claim for damages against insured motor vehicles. The other amendments are the renumbering of the clauses as a result of the deletion of clause 17.

MR. BROWN (SOLICITOR GENERAL)
replied.

MR. VINCENT: Your Excellency, when this Bill came before Council I raised a number of points which have since been discussed by the select committee. I would remind hon. members that the provisions of this Bill affect the poorer—or to a very great extent the poorer—stratum of owners of vehicles. I understand that it is estimated that 80 per cent of, anyway, European owners are insured, including third party, and therefore as this is a compulsory measure and as there are benefits to the owners of vehicles, in order to protect other members of the public I think I am not unreasonable in asking for certain assurances from Government as a matter of

policy arising out of the amended provisions of the Bill as it appears before us to-day. I should therefore like to ask for the following assurances.

Under clause 3 (4) of the original Bill, Government are exempted from the provisions of this measure and they undertake the liability of their own insurance. As I mentioned when the Bill came before us, I am not satisfied about the difficulty of suing Government at the present time, and would like an assurance from Government that there will be no difficulty in a member of the general public obtaining permission to sue Government should occasion arise and that the procedure to do so shall be made as simple as possible and devoid of all legal costs. I do not think there is any need for me to amplify the necessity of such an assurance. Then, under clause 3 (a), wherein Your Excellency has to approve a company as being the right type or of sufficient backing to undertake insurance, I should like an assurance that when a company applies to be an approved company, and its head office is overseas, that that company shall not be approved until it guarantees to accept service or process in this country through a definitely named and accredited agent.

On the point of the premium to be charged for the very restricted cover under this Bill, it is thought, and it has been stated—and it is probably quite wrong—that it would be possible for Government to undertake the insurance cover provided for by the Bill, in order not to hand this over as a profitable business to insurance companies. All I ask is that before the Bill is put into operation Government should be satisfied that such insurance cannot be carried out by Government itself based on the rates which are offered and quoted by insurance companies.

A further assurance which I ask for is that Government will make strict investigations into the premiums which are to be charged, and satisfy themselves that they are fair for the cover required. As in the case of a lot of our legislation, we pass it, and for some reason or other, probably due to man power shortage, we are unable to carry it into efficient effect. I would also like an assurance from Government that they will not bring this Bill into operation until officials in

[Mr. Vincent]

charge of stations which are points of entry into this territory are fully acquainted with the provisions of the Ordinance, and are in a position to carry out their duties so as to make the working of the Ordinance watertight. There will be no hardship on anyone entering this country with a motor car or truck, because, as I have mentioned before, Northern Rhodesia and South Africa to my certain knowledge will not allow entry until one produces an insurance certificate to the satisfaction of the officer at the point of entry, and I see no reason why we should not insist on the same provision here, or, failing the production of an insurance policy or a certificate of cover, the person who owns the car should be compelled, before entering this country, to "take out" the cover called for under the Bill.

I beg to support the motion.

MR. FOSTER SUTTON: Sir, if I may deal with the hon. member's points in the order in which he made them. First of all, the question of bringing actions against the general Government of the Colony is governed by the Petitions of Right Ordinance, which is Chapter 17 of the Revised Edition of the Laws. Section 3 reads: "All claims against the general Government of the Colony being of the same nature as claims which may be preferred against the Crown in England by petition, manifestation or plea of right, may, with the consent of the Governor, be preferred in the Supreme Court in a suit instituted by the Attorney General as plaintiff against the Attorney General as defendant, or such other officer as the Governor may, from time to time, designate for that purpose". That is a perfectly simple procedure from the point of view that all the suppliant need do is to write to the person designated to be defendant, which is the Attorney General, making application to bring his action. Sir, you have authorized me to give the assurance asked for. If a person is injured by a driver of a Government vehicle who is driving that vehicle negligently in the course of his duty, the Governor will give permission for an action to be brought against Government claiming damages for that negligence.

MR. VINCENT: Sir, could I just ask if that case would have to be brought in

the Supreme Court. In the part of the Ordinance the hon. member has just read out, it mentioned that an action would lie in the Supreme Court.

MR. FOSTER SUTTON: The Petitions of Right Ordinance provides that such an action shall be preferred in the Supreme Court in a suit instituted against the Attorney General, and under that Ordinance it would be necessary to bring it in the Supreme Court.

MR. VINCENT: No matter what amount?

MR. FOSTER SUTTON: No matter what the amount. If that would create hardship, I see no reason at all why the matter should not be considered with the object of amending the Ordinance to allow claims to be brought in any court, dependent on the amount claimed. I agree that costs in the Supreme Court are greater than in the lower courts. The only thing about it is this, that if the plaintiff has a good cause of action and succeeds in his claim, his costs are paid by the defendant, but of course it would be an expensive matter if he failed in his claim. I certainly will consider that point.

The next point the hon. member made was that Government should give an assurance that in appraising a policy and permitting them to issue policies and permitting them to be prepared to accept service of process in this Colony. Normally, as no doubt the hon. member knows, the matter is governed by the place in which the contract is made. I believe it is a fact that a lot of policies are issued in London or in the country where the head office is, and the contract is actually made there and completed there, but there can be no difficulty about Government giving the assurance asked for. It ought to be given, and be asked for. It ought to be given, and I think we fore a company is approved I think we ought to make certain that there is never likely to be any question raised as to service not being admissible in Kenya. That certainly will be taken care of.

The next point the hon. member raised was on the question of the rates of premium. In that connexion I would draw attention to clause 2, which provides that the Ordinance shall not come into operation until the Governor in Council declares by notice in the Gazette

[Mr. Foster Sutton] into that shall come into operation. The object of that clause is twofold. One, to allow insurance companies time to prepare the various forms and get ready for any additional business which may result by the enactment of the measure, and, two, to give Government time to ascertain from all insurance companies operating in this country what their rates of premium under the legislation will be. I have no hesitation in giving the assurance asked for; that is to say Government will not bring this measure into operation until such time as they are satisfied that the rates will be reasonable. In that connexion I might say that we had at the last meeting of the select committee two members of the tariff companies before us, and from what they said we gained the impression that the rates are likely to be extremely reasonable. One must remember that what this measure deals with is not the ordinary third-party risk, which is a complete cover, but only insurance against risks to third persons. It does not cover damage to a vehicle or anything like that. The rates will therefore be considerably lower than if you take out the sort of insurance which is a complete cover.

The point was raised as to whether we would look into the subject to see whether it was possible for Government to operate this insurance as a Government. Well, in theory, of course, it is possible for Government to run any business, but it seems to me—and it was a matter discussed at the last meeting of the select committee—that if Government takes out one isolated piece of insurance and attempts to run it, it would be a very costly procedure, because these insurance companies carry on a hundred and one types of insurance. The committee formed the impression then that if Government embarked on this one isolated piece of business the overheads would be so high that the premium would be excessive, far greater than is likely to be charged by the insurance companies; and we thought it was not a practical proposition, any way at the present time. There are other difficulties, such as personnel, and it would mean setting up a new department to handle it. But the matter will be investigated and considered although, speaking for myself, at the present moment it seems

to me it would not be a practical proposition; it will, however, be considered.

The last question raised by the hon. member was the one of proper care being exercised at the points of entry into the Colony, and I can give the assurance that the instructions he asks to be issued will be issued. It will create no hardship on people coming in. If they come from Uganda or Tanganyika in a motor vehicle they should be in possession of insurance to comply with the provisions of this Ordinance, and instructions will be issued to that effect.

The question was put and carried.

SCHEDULES OF ADDITIONAL PROVISION.

No. 4 of 1944

MR. TESTER: Your Excellency, I beg to move: That Schedule of Additional Provision No. 4 of 1944 be referred to the Standing Finance Committee.

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

NATIVE TRUST FUND

PAYMENT INTO OF LIVE STOCK CONTROL GRAZING FEES

MR. TESTER: Your Excellency, I beg to move: Be it resolved, that this Council consents to the payment into the Native Trust Fund of all grazing fees which have been paid, and which shall hereafter be paid, by the Live Stock Control in respect of the grazing of stock in any area of the Northern Frontier District which is not within the jurisdiction of a local native council.

The Live Stock Control has paid grazing fees amounting to £150, in return for grazing stock in the Garissa District of the Northern Frontier District, and this sum now stands on deposit with the Accountant General. In the ordinary course of events, this money would be paid into local native council funds under the Native Lands Trust Ordinance. In the Garissa District, however, the local native council has jurisdiction only over the riverine tribes and not the people who inhabit the areas where grazing takes place. It is, therefore, hardly equitable to pay this money into their fund. The alternative is that the consent of this Council is now sought to pay the

[Mr. Tester] money into the Northern Frontier District sub-account of the Native Trust Fund, and if Council agrees to this procedure similar funds collected in the future will be so credited.

MR. TROUGHTON seconded.

The question was put and carried.

PENSIONS

MISS A. M. COLLINS, MR. F. LYONS

MR. TESTER: Your Excellency, I beg to move: (a) This Council approves the payment of a pension at the rate of £153-1-4 a year, with effect from 18th May, 1945, inclusive, to Miss Alice Mary Collins, clerk, Aliens and Intercourse Department, and previously of the Medical Department, in respect of her service from 7th August, 1926, to 17th May, 1945, both days inclusive, in lieu of her own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £272-6-8d, which reverts to the general revenue of the Colony; (b) this Council approves the payment of a pension at the rate of £218-6-0 a year, with effect from 5th May, 1945, inclusive, to Mr. Frank Lyons, formerly laboratory assistant, Veterinary Department, in respect of his service from 1st October, 1926, to 4th May, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £960-5-2, which reverts to the general revenue of the Colony.

These two proposals are on precisely the same lines as many other resolutions regarding pensions which have been approved by this Council, and I commend them to hon. members.

MR. FOSTER SUTTON seconded.

The question was put and carried.

THE CO-OPERATIVE SOCIETIES BILL

SECOND READING

MR. FOSTER SUTTON: Sir, I beg to move that the Co-operative Societies Bill be read a second time.

The object of this Bill is to secure a single piece of comprehensive legislation suitable for regulating co-operative

societies of all kinds. The existing Co-operative Societies (Registration) Ordinance, 1931, as amended in 1932, is suitable only for societies of the kind that were in existence or contemplated at the time those two Ordinances were passed. Since their enactment, a number of other groups of persons have evinced a desire to form themselves into co-operative societies, and it is considered that they need a great deal more help and guidance than is necessary in the case of such societies as the Kenya Farmers' (Co-operative) Association, Ltd., and a number of other firmly established and flourishing societies. In order to get over the difficulty of having to pass legislation, one applicable to a certain type and another applicable to a less ambitious type, it was thought possible to incorporate in one single measure provisions that could be applied to all co-operative societies, and there is a clause in this Bill—I refer to clause 55—which enables the Governor to exempt by notice in the Gazette a society which was formed in good faith, has made its regulations, and has since operated under the measure which this Bill seeks to repeal. It was thought that their position could be met by the Governor making exemptions under clause 55; that is to say, exempting them from such provisions in this measure as are clearly inappropriate to the type of business conducted by them.

In this connexion you, Sir, have authorized me to give the assurance that the enactment of this measure will not interfere with the position of co-operative societies formed under the provisions of the Co-operative Societies (Registration) Ordinance, 1931, and that this will be achieved by taking the necessary action under the provisions of clause 55.

I think that, when this Bill is considered in select committee—because it is Government's intention to send it to a select committee, and obviously it is a matter that should be so referred—I think clause 55 might require a little amendment. It should be made wider in its scope, because if we repeal the existing legislation we are left only with this measure, and the existing societies would have nothing to work on if they are exempted from a number of the provisions of this measure. We envisage applications from societies being made for exemption from the provisions of

(Mr. Foster Sutton) this Bill, and in the exemption order will be set out the provisions of the repealed legislation which are to apply to the society claiming such exemption. In other words, we shall maintain by that means the *status quo*.

Some apprehension has been expressed because it has been said that there might in the future be similar groups of people who wish to form co-operative societies along the lines of existing ones. Hon. members on the other side of Council will remember that we had a meeting some months ago when this matter was debated, and the hon. Member for Nairobi South put forward the suggestion that it might be possible to meet the position by amending the Companies Ordinance. If I may say so, I personally was grateful for that suggestion. I have since explored it, and discussed it with the legal representative of certain of the existing co-operative societies, and the result of our deliberations is to be found in the Bill amending the Companies Ordinance which is to come into force on second reading this morning. It will not go into the details of that Bill now, but I have satisfied myself that, subject to anything that may be said hereafter, it will meet the position of any new group of persons wishing to form themselves into a type of trading corporation such as the K.F.A.

As I have already stated, this Bill was considered in considerable detail at a meeting held by the elected members, at which I was present, as well as my learned friend Mr. Slade, who is the legal representative of a number of the existing societies. The Bill was published in the Official Gazette on the 14th November last year. That being so, no useful purpose would be served by its going through the Bill in detail now, as it will be considered in select committee, and I propose, as chairman of that committee, to make certain that members of the public are given ample opportunity, if they wish to, to come forward and make any representations which they may wish to make.

Mr. BROWN seconded.

ARCHDEACON BEECHER (Native Interests): Your Excellency, I should like to accord very warm support to the Bill before Council, and to pay a very high

tribute to the work of Mr. Campbell, recently in this country to advise Government on the establishment of co-operative societies. He has produced a very brief report, and at first one might be prompted to ask whether we have had value for our money. But on second thoughts I think we had more than that insofar as he produced a very readable report and a report which has, therefore, been very widely read, which would not have been the case if he had produced, perhaps, a much more voluminous document which, on the face of it, was more impressive. If the Bill before us passes into law, it will mean the fruition of a good deal of striving by those who have had the interests of the country at heart. To go back now very far, it will be remembered that Sir Alan Pim-larged strongly that something of the kind envisaged by this Bill should come into being. My predecessor, Dr. Wilson, and the hon. Member for the Coast have on a number of occasions, notably in April, 1942, very strongly urged that assistance should be given to the formation of African co-operative societies, and it is with them that this Bill is very largely, though not wholly, concerned.

Earlier this morning the hon. Member for Nairobi South pleaded that the Bill dealing with third party insurance should not become law and given effect to until such time as Government was in a position to give efficient effect to that Bill. I am aware that this Bill as it at present worded provides that it shall only come into operation on such date as you may, Sir, by notice in the Gazette appoint. I trust, therefore, that this Bill will not come into operation until Government has at its disposal officers who will be in a position to secure that the provisions of the measure are being efficiently carried out. (Hear, hear.) I should like to enlarge on that a little if I may. The success or failure of the provisions of the Bill, if and when it becomes law, will largely depend on the availability of officers trained to advise on the formation of co-operative societies and to guide them when they have been formed. I have so far been unable to determine the officer of Government who is at the present time responsible for the oversight of such activities of this kind as already exist. I have not succeeded in laying this at

(Archdeacon Beecher) the door of the hon. Economic and Development Secretary, and now that post is likely to be abolished and in its place a Commercial Adviser appointed. I should like to know from Government whether it is he and the officers under him who will be responsible for the guidance and control of these co-operative efforts or not.

The reason that I bring this to the notice of Council this morning is this, that many writers on this country, including Lord Hailey, have called attention to the very grave danger in which we stand if we do not adequately guide and control the efforts of such bodies as co-operative societies. Lord Hailey, in two places in his monumental work, says of the native societies now in existence that they owe their success "largely to the official guidance given to them", and in another place he says that "unsupervised attempts at co-operation have been proved in Kenya to involve risks". I have already come across one case of misplaced enthusiasm arising out of Mr. Campbell's visit which has resulted in an abortive attempt to start co-operative trading, but with the assistance readily given by the Administration in this particular instance tragedy was averted. But lack of wise counsel in future may result in the formation of societies with the loss of a good deal of individual money and failure to establish co-operation on sound lines. I do, therefore, appeal to you, Sir, to secure the services of an adequate number of adequately trained officers to supervise, guide, and control the operations of the Bill now before Council.

There is something more than that. Recognizing that co-operative marketing, co-operative wholesale trading and the like are to play a large part in the future economy of the African, it is quite obvious that the African himself must be placed in a position to receive adequate training in commercial affairs. That has been adumbrated by the East Africa Command in a little book, one of a series on current affairs, entitled "The askari and the post-war years" which deals with co-operation. I take it that is a promise that the askari as part of his post-war training if he so desires can be trained in business methods, but

the other members of the African public will need that training as well.

Having said that, and called attention perhaps to things that are already well recognized by Government, I should like very warmly to support the Bill, having heard that it is going to a select committee. I beg to support the motion.

MADAM CHAVENDISH-BENTINCK (Nairobi North): Your Excellency, while supporting the proposal that the Bill should go before a select committee, I think one should make it clear that unless personally am satisfied that clause 55 can be made applicable to existing companies and future companies of the type mentioned by the hon. mover, and unless we do find that the Bill to amend the Companies Ordinance does, in fact, meet the purposes for which it was drafted and which were alluded to by the hon. mover in his speech just now, I personally would oppose this Bill. This Bill obviously is suited to dealing with and controlling co-operative societies of a very primitive nature, and it is not suited nor is it applicable to the type of society or association which is extremely useful and has played a great part in the development of this country, and which exists here to-day. Therefore, unless we can meet their needs in some such way as was outlined by the hon. mover, I personally would have to oppose this Bill when it comes back from select committee.

Mr. REDDIE: Your Excellency, perhaps I might be permitted to say a few words about the points raised by the hon. member Archdeacon Beecher. He referred to the necessity of entering that, before the Bill is brought into operation, there should be an adequate number of adequately trained officers. Well, Sir, that is the very point that Mr. Campbell, somewhat naturally, laid a great deal of stress upon, and I have discussed it with him on more than one occasion. The first step in trying to ensure that we do get a number of adequately trained officers is for the Government to select a young officer of the right type who could be sent for training, and I think hon. members will appreciate that this type of co-operative training cannot be picked up in a week or two; it means more often than not a very long period of training, involving visits to places like India, Ceylon, Cyprus, and Palestine, and

[Mr. Rennie] It is the intention of the Government, as soon as the Bill becomes law, to select a young man, who we hope can be spared to go for that training more or less forthwith.

The hon. member drew attention to the dangers that are likely to arise if societies are allowed to spring up without adequate supervision in the early stages. Those of us who have seen something of that danger actually occurring in other countries appreciate the hon. member's point, and I think we should go slow rather than fast in a matter of this sort, making quite sure that we have the right man who can advise and guide these young societies as they are formed, and in that way ensure right from the start that we are building on sure foundations. The hon. member asked a rather difficult question when he inquired who is responsible for the present societies. We have two societies which I think are really a credit to themselves and to those who have been supervising their operations, and, so far as supervision goes and responsibility, I think one might say it is a joint affair at the present time between the Administration and the Agricultural Department. So far as the Taita Hills Vegetables Society is concerned and the society in South Kavirondo, their operations have been investigated by Mr. Campbell. He is satisfied that they are on the right lines, and he has enabled them to pass certain rules which should ensure that they go on, I hope, from strength to strength.

The hon. Member for Nairobi North raised a point which I shall leave the hon. and learned Attorney General to deal with. I have not taken part in the discussions on this matter recently, but I am sure he will be able to deal with the point the hon. member has raised.

MR. FOSTER SUTTON: Sir, the hon. Member for Nairobi North raised the point whether or not the guarantees or assurances given will meet the requirements of existing societies; and also alleged that this particular Bill is obviously, to use his own words, only applicable to primitive societies. Well, I do not think that I can allow that to pass entirely unchallenged, because it is as a fact based on modern legislation which is in force in a number of different countries in the Empire. I have available

for the use of the select committee a comparative table from which the hon. members who will serve on that committee will be able to compare the various clauses with those incorporated in the ordinances in other countries where this type of legislation is in force, and has been for a considerable number of years. I think Government has shown that it agrees with a portion of his contention—that is, that a number of the provisions of this Bill are not appropriate for existing societies—by introducing clause 55, and by the introduction of the amendment to the Companies Ordinance. The main bone of contention, I do not propose to go into them all in detail, is the question of one man one vote. Elsewhere that is considered to be one of the foundations, the tenet, of a co-operative society. In other words, a member of a co-operative society elsewhere is treated as an individual and not a capitalist. That is the theory behind the one man one vote.

This measure provides for a considerable degree of supervision over accounts and investments of societies, and it is quite clear, I think, from the beginning that these provisions are not suitable to a number of trading organizations which are quite capable of running their own affairs, such as the K.F.A., and there are others. I feel confident myself that the assurance I have given can be given practical effect to, and that we can meet all wishes, reasonable wishes, I venture to submit. I have always held the view that some of the opposition was fully justified, it did appear at first blush an unwarranted interference with flourishing and well run concerns, but the assurance, when given effect to, will take care of existing societies, and the amendment to the Companies Ordinance will take care of the position of any future societies or rather, to put it in another way, any group of persons who in the future wish to form the type of society I have referred to in the course of this debate.

The question was put and carried.

THE COMPANIES (AMENDMENT) BILL

SECOND READING

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

[Mr. Foster Sutton]

This Bill seeks to meet the requirements of certain types of trading organizations in this Colony which, hitherto, have found it necessary to register as companies under the Companies Ordinance and as co-operative societies under the Co-operative Societies (Registration) Ordinance. In view of certain doubts expressed during the debate on the second reading of the Co-operative Societies Bill, I think that I should draw particular attention to the proposed new clause 296A, and with your permission, Sir, and that of Council I propose to read it. It provides for the registration of certain companies which are described as "produce companies", and the clause reads: "296A. (1) For the purposes of this part of this Ordinance the expression 'produce company' means a company membership whereof is by its articles restricted to persons engaged in—(a) the occupation of agriculture; or (b) the occupation of processing, warehousing, manufacturing, storage, transport or marketing of any product of agriculture; and this is the important one—for (a) either or both of the occupations mentioned in paragraphs (a) and (b) of this sub-section".

Before drafting the clause I had the advantage of discussing it with the legal gentleman I have already referred to this morning, and I think one is safe in giving the assurance that it does meet the requirements of any of the existing organizations and any future organizations that may wish to form themselves into a company along similar lines. A proviso was added, in view of certain representations which were made, which reads: "Provided that nothing in this sub-section shall prevent any person from becoming a member of any such produce company as the holder of preference shares which carry a limited dividend and in respect of which there are no voting rights unless payment of such dividend is in arrear". That is a provision one occasionally finds in articles of association of a company. It introduces a degree of flexibility which I think will be contended for.

Sub-clause (2) provides: "In this section the expression 'agriculture' includes horticulture and forestry". That enlarges the ordinary meaning of the word "agriculture", and is designed to cover any organization which deals in

timber. Then the proposed amendments also enable the articles of a produce company to confer upon the directors the power to make by-laws to compel members to market their produce through the company, and confer on the directors power to fine any member of such a company for failing to market his produce through the company. Those are unusual provisions to find in company legislation, but they will enable a company to be formed and have a similar constitution to that which exists to-day in the case of certain co-operative societies in the Colony. As I say this Bill—I may be premature in my hope—I regard as a piece of legislation which will be agreed to without very much further debate. I think when the implications of its provisions are fully understood it will be admitted that it does cover any point made in Council to-day.

There is another amendment which the Bill seeks to make, which Government undertook to make when the Bill was being debated in this Council last year. Hon. members will remember that the question of what control could be exercised over companies registered outside the Colony, which wished to purchase land in the highlands, could be exercised over them. It is an extremely difficult thing to provide any control that is going to be 100 per cent effective, but it is submitted that if this suggested proviso is added to section 323 of the principal Ordinance it will introduce a measure of control that does not now exist. The proviso reads: "Provided that no company incorporated outside the Colony shall have power to acquire land situate in the Highlands (as described in the Seventh Schedule to the Crown Lands (Amendment) Ordinance, 1938) unless such company is registered in accordance with the provisions of this Ordinance". One can, to some extent, deal with companies which are registered in the Colony, whereas if a company is registered outside there is no control over it at all.

Those are the provisions of this Bill.

MR. BROWN seconded.

MR. VINCENT: Your Excellency, in introducing this Bill, the hon. and learned Attorney General very clearly explained that the fears which we had have been

[Mr. VINCE] overcome to a very great extent by its provisions, and I would like to take this opportunity of paying tribute to him for his great patience in attending meetings of the elected members to give us a clearer understanding of these somewhat complicated Bills at all times. (Hear, hear.) As will be seen in the proposed new section 296A there was a little doubt as to what type of co-operative society could come within the provisions of the Bill, and the point has now been clearly stated by the hon. Attorney General that a co-operative society can deal in anything provided the members thereof are engaged in either of the occupations contained in paragraphs (a) and (b). The other point about which we had fears was the question of the Timber Co-operative Society, which he now tells us is included in the definition of forestry. That being the case, as far as our general observations are concerned, they are well covered, and I do appreciate the fact that a great deal of thought and work have been entailed in this Bill to overcome a position which otherwise may have been untenable for those co-operative societies existing in present form today and others like them which may be formed in the future. I beg to support the Bill.

MAJOR CAVENDISH-BENTINCK: Your Excellency, there is one thing I would like to ask. Can a company which becomes a produce company and registers under this Ordinance, still be able to use the word "co-operative" if it gets special leave to do so? (MR. FOSTER SUTTON: Yes.) The other thing is, I know this type of legislation may be unusual, and it may be that this Bill will have to be referred to the Secretary of State before it can become law. Again I would like to say that, if the Secretary of State finds he is unable or objects to this Bill, especially the proposed new section 296A, it would, of course, rather nullify any agreement some of us feel inclined to give to the previous Co-operative Societies Bill. No doubt both will have to go as one piece of legislation to the Secretary of State before they become law.

MR. FOSTER SUTTON: Sir, I understand the position perfectly clearly. Certain members of this Council and members of

the general public have indicated their willingness to give general support to the Co-operative Societies Bill on the condition that some provision is made whereby the organizations already referred to on several occasions can operate under the Companies Ordinance, and if this Bill to amend the Companies Ordinance does not become law I fully appreciate the fact that those persons who have signified their willingness to support that measure will immediately become opponents of it. Regarding the reference to the Secretary of State, I did not envisage—I do not know your views on the matter. Sir—this Bill going to him before it is enacted into law here. It will have to go home for the signification of His Majesty's pleasure, but I think we can proceed with it now. It is an unusual and novel measure, but it does suit the requirements of the country, and without it it seems to me it will complicate the enactment of the Co-operative Societies Bill, which I think most of us feel it is a necessary piece of legislation to have. I do not regard 296A as the final word, and I have no doubt that in the course of the select committee's deliberations we shall probably be able to improve on it. It does meet conditions now, but they may of course change later on.

The question was put and carried.

SELECT COMMITTEE APPOINTED

MR. FOSTER SUTTON moved that the Co-operative Societies Bill and the Companies (Amendment) Bill be referred to a select committee comprising: The Attorney General, chairman, Chief Native Commissioner, Mr. Troughton, Director of Agriculture, Mr. Tomkinson, members for Nairobi South and North, Usain Gishu, Eastern Area (Mr. Parook and Mr. E. Mathu).

MR. BROWN seconded.

The question was put and carried.

THE PENAL CODE (AMENDMENT) BILL

SECOND READING

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

This short measure has been framed to meet certain points that were urged in the

[Mr. Foster Sutton] debate which took place at the last meeting of this Council. It was then strongly urged that existing legislation should be amended to enable the courts, in proper cases, to inflict a sentence of flogging in cases of housebreaking at night time; that is to say, burglary. This short amendment seeks to give effect to the suggestion then made by the hon. Member for Kiambu, by amending section 298 of the Penal Code by deleting the full stop, substituting a comma, and adding the words "with or without corporal punishment". Another point made, I believe, by the hon. Member for Mombasa, was in connection with army stores. Clause 3 of the Bill seeks to introduce another section into the Penal Code, 317A, which makes a similar provision regarding the stores the property of His Majesty's armed forces as that now in force regarding Government and Railway stores. That we undertook to do during the course of the debate I have just referred to, and this amendment gives effect to the undertaking then given.

MR. BROWN seconded.

MR. BOTSWA (Usain Gishu): Your Excellency, I welcome the amendment to section 298 because I believe it will act as a deterrent to persons who have ideas of committing crimes of violence. But I also believe it does not go far enough under the peculiar circumstances which we have in this country. I know that it is the tendency all over the world to get away from corporal punishment as far as possible, but, without being offensive, may I say this: that we may be rather careful that we do not go too far and lose sight of the local circumstances too much in our endeavour to follow precedent in some other countries. The matter I am referring to is that I believe the option, or the power, to inflict corporal punishment should also be given in the case of housebreaking as well as in the case of burglary. I can visualize quite easily circumstances in which a case of housebreaking may be a more heinous offence than burglary. Take a case where a woman is living alone on a farm in a lonely position, housebreaking is committed during the daytime, and she has no help available. I believe that to be a more heinous offence than where a burglary is committed at night in a house full of able-bodied men at night. If for one could cite many such instances. Therefore I

believe the courts should be given power to inflict corporal punishment also in cases of housebreaking where the circumstances justify such punishment being given. I trust that Government will be able to meet us in this direction.

MR. NICOL (Mombasa): Your Excellency, I should like to support what the hon. Member for Usain Gishu has said. I cannot see why, if a fellow barges into a house in the day time or at night and commits robbery with or without violence, why he should not be flogged for it. I should like to ask one question with regard to clause 3. I take it that the new section 317A does away with what I think the hon. member categorized as very stupid Defence Regulations? I refer particularly to the theft of certain Service stores which occurred in Mombasa when, I made reference. If that is the meaning of 317A then I am very satisfied. The whole idea is to tighten up those particularly stupid Regulations.

Before sitting down, I should like to say that I am pleased to see my hon. and athletic friend the Chief Secretary in his seat, and hope that when he returns from his well deserved leave he will be restored to his full ability! (Hear, hear.)

MR. WATKINS (Kiambu): Your Excellency, on a point of explanation. I think that two suggestions have been confused. I made one suggestion to bring in something for army stores as separate from Government stores. The law was protecting Government stores, and we wanted the Forces' stores protected. The hon. Member for Mombasa brought in quite a different thing, one in which certain stores were not handed over, they belonged to nobody, and could not be reckoned as stolen. There were two quite different suggestions, and I do not know if this amendment covers both.

MR. FOSTER SUTTON: Sir, if I deal with the point of the hon. Member for Mombasa first. This amendment does cover the point the hon. member made. It might be necessary, and probably it would be desirable, to revoke those Defence Regulations. The fault in those Regulations existed in the fact that it had to be proved that not only a person was in possession of War Department property, but also that it had been issued. That was the point. It had to be proved first that it was issued, then that it was

[Mr. Foster Sutton] W.D. property. What the object of the double provision was I have never understood. This amendment will get over the difficulty, because it has only to be proved that they are W.D. stores, and once that is proved a person will have to show why he is in such possession.

Mr. NICOL: The question of that issue of stores I could never understand. Surely they must have been issued from an ordnance depot at home, and delivered to a ship, and a bill of lading received; therefore I contend that such stores were issued. They must have been issued to somebody; not just chucked on to a ship, for the ship to bring them and deliver them to a unit and say "Now they are issued".

Mr. FOSTER SUTTON: It is a technical point. In all criminal cases the strictest proof is required, and if a person is found with, say, an army shirt, millions of which are issued, it is impossible to say that that particular shirt was issued, because there is no number on it and it could not be identified. With certain articles it might be possible to bring evidence to show they were issued, but in cases where millions of an article are issued it is impossible to say that that particular issue was made by a particular quartermaster of any unit or company. As I say, I think the Defence Regulations might be disposed of. In any event, once this measure becomes law I intend to issue instructions to the police that prosecutions shall be brought under this section and not under the Regulations.

Regarding the suggested amendment to make it possible for court to inflict flogging for housebreaking, the hon. Member for Mombasa said that if a person goes in to a place with violence it ought to be possible to flog him; if any person robs with violence it is possible to inflict a flogging now. It is only in cases where no violence is used that there is no provision. Wherever violence is used there is ample provision on the statute book at the present time to enable the courts to take the necessary action, and I think I am right in saying that such provision is invariably made use of. There is no single case where there was robbery with violence where it was not.

Mr. NICOL: Robbery without violence should have flogging to make it a real deterrent.

Mr. FOSTER SUTTON: I entirely agree with what has been said by the first speaker that we should not slavishly follow legislation elsewhere; I respectfully agree with that statement. I think we are sometimes inclined to, but there are other considerations apart from the consideration of slavishly following others' legislation. This legislation has to go back to the Secretary of State for the signature of His Majesty's pleasure, and it would be a complete departure from the practice in any other country I know of, and I would ask hon. members if they would agree not to press it at the present time but to give Government time to consider the matter. It will be considered, and if it is considered proper and reasonable we shall endeavour to take the action suggested, but we should like time to consider it, because it is no good doing something here if it is not assented to by His Majesty.

The question was put and carried.

LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL

SECOND READING

COMMISSIONER FOR LANDS AND SETTLEMENT (Mr. Mortimer): Your Excellency, I beg to move that the Local Government (District Councils) (Amendment) Bill be read a second time.

There are comparatively few sessions of this Council to go past without some amendment being brought forward to one or other of the Local Government Ordinances. This is, I think, an indication that our local governing bodies are alive and are carrying out their functions. Consequently, the measures under which they operate are being brought under close review, defects in them are being discovered, and any amendment required to give the local governing bodies further powers are being brought to light. It is a matter for congratulation that the district councils in general are now waking from a period of comparative lethargy and are taking on new responsibilities by expressing their willingness to apply a district rating system, which they have had the power to do for the last 15 or 16 years, and are showing a

[Mr. Mortimer] readiness to shoulder their responsibilities and obligations in respect of local services. This measure purports to remedy a few defects in the present law and to provide further opportunities for district councils to carry out their desires in the matter of rating. The Bill has been approved by the district councils themselves, and by the Standing Committee for Local Government in Rural Areas. I will now refer to the Bill clause by clause and point out the purport of each clause.

Clause 2 seeks to remedy a defect in the existing law regarding nominations to membership of district councils in cases where elections are, for some reason, not held. As hon. members are aware, the customary method of constituting district councils is to have ward elections. There are occasions, however, when for some reason or other a ward election does not or cannot take place. Sometimes there is a difficulty in getting a nomination paper filled in time to comply with the statutory demands, in other cases, particularly during the war, it has been found that there are not enough people in a ward electorate to fill in a nomination paper according to the law. That, of course, only applies during war time. It has been customary for Your Excellency and your predecessors to nominate suitable members on such occasions where elections have not taken place. On a closer examination of the precise wording of the section under which that has been done, it is found that the section does not actually make provision for that, and the appointments have, in fact, been *ultra vires*. However, no one has worried seriously about that, but now that the law is being amended it is desired to put it straight. The legal draftsman, in drafting the particular section, provided for the filling of vacancies where members actually elected retired or died, but although he set out to provide for nominations in cases where no election had taken place he seems to have lost the thread of what he was trying to do before he got to the end of the section, and did not make the due provision. (Laughter.) Now we seek to remedy that small defect.

Clause 3 makes another small provision which may be required. District councils are empowered to pay salaries

and allowances to the people who serve them, but there is no provision for a case where they have to consult a legal adviser who is not regularly retained by a council. I am told that remuneration in such a case is called a "fee", and there is no provision in the law for the payment of fees, so it is proposed to insert provision to permit district councils to consult legal or other advisers where a fee is charged. Clause 4 has a special bearing upon the provision of the law that, before rating can be applied to a district, a two-thirds majority of the elected members of a council is required. When this clause was drafted, there is no doubt that the intention was merely to exclude ex officio members such as a district commissioner, from voting on such occasions, but by the use of the phrase "elected members" it also, strictly speaking, excluded other nominated members appointed by Your Excellency in place of elected members or to fill vacancies that ought to be filled by elected members. It is quite clear that such members ought to have the power of voting on this question of district rating. Therefore, in the definition clause it is sought to provide that elected members shall also include nominated members who are put there as representatives of wards.

Skipping clause 5 for the moment, clauses 6 and 7 provide that appeals against rating valuations or rating classifications shall be made to magistrates of the first class. The law as it now stands provides for appeal to any magistrate having jurisdiction in the area in question. It is thought to be more appropriate that such appeals should only go to a magistrate of the first class. The remainder of the clauses deal with rating questions, and provide for certain new methods of application of the rating system.

The present rating system rests upon the recommendations of the Feachim Commission made in the Local Government Commission Report, 1927. There are three methods provided by law by any one of which rates could be imposed. The first method is a rate on the unimproved value of all land in the area under the jurisdiction of a district council. That is obviously a very fair system, but one very difficult to operate because it requires the valuation of every single farm in an attempt to arrive at its

[Mr. Mortimer] unimproved value. It is generally agreed that the cost of operating that particular system would be far in excess of the revenue derived from the rate, so that for the time being at any rate the particular provision is being ignored by district councils. The second method is by means of a flat rate over the whole of the land in the area. That is fair and reasonable where all the farms in a district are homogeneous and all pretty much the same wherever you turn. Some district councils are proposing, in fact, to adopt that system. The third system is the one being more generally adopted in the mixed farming districts; that is, a graduated rate whereby all land in the district is broadly classified according to its general valuation without the meticulous inspection and valuation of every individual farm.

If a graduated or flat rate is applied, the law requires that the rate shall not exceed in the aggregate an average of 10 cents per acre over the whole of the district without the special consent of His Excellency the Governor in Council. The conditions of some districts have very materially changed since the date of the Feitham Commission report and, in particular, the Nairobi District there have sprung up in the Nairobi District various industries, and quite large residential areas for which the systems of rating laid down by the Commission are inappropriate and would be unfair in their application. The Nairobi District Council, therefore, has sought to provide a new method of graduated rating which is not covered by the existing law, and the present Bill purports to make legal the system which that Council wishes to impose. The graduated rate which Nairobi District Council wants to carry out will work somewhat in this way.

The district is divided into wards in the first place, and each ward will be treated separately for the purpose of the graduated rate and a different formula will be laid down for each ward according to the class of land within the ward boundaries. Take, for example, a ward including such areas as Spring Valley residential estate and Limuru. The graduation will be by stages. A rate will be imposed on the first ten acres, probably at the rate of Sh. 3 per acre;

for the next 40 acres at a rate of perhaps Sh. 150 per acre will be imposed; for the next 450 acres a rate of perhaps 3 cents an acre will be imposed; and for the remainder of the farm a rate of possibly 1 cent an acre; so spreading the incidence of rating fairly as between residential holdings and large-scale farming undertakings. The scheme has been worked out in fairly close detail, has been advertised throughout the Nairobi District, and has been unanimously accepted by the electorate as a fair scheme. Provision is made, therefore, in clause 7 of this Bill for that kind of graduated rate where a district council prefers it in place of the graduated rate already covered by the law.

Clauses 9 and 10 provide that no person shall pay less than a minimum of Sh. 20 as the rate for any one year on any one piece of property. It is felt that the privilege of being under district council rate is worth at any rate Sh. 20 a year. There is, of course, provision in the law for those who genuinely cannot afford to pay even Sh. 20, to obtain exemption. In clause 10 (e) there is provision for dealing with this minimum rate in relation to the average of 10 cents an acre which cannot be exceeded. Obviously, if a graduated rate over the whole district is not to exceed 10 cents, the imposition of a minimum of Sh. 20 would throw the whole scheme out of focus; so in clause 10 (e) it is laid down that, where a minimum rate of Sh. 20 is payable, any portion of that minimum rate which is in excess of the rate that would normally be assessed shall not be taken into account in assessing the average of 10 cents over the whole area.

Finally, there is in this Bill the introduction of a completely new rate known as the "industrial rate". There are, particularly in the Nairobi District, industries of various kinds which do not come under the ordinary agricultural or residential provisions, such as breweries, sisal produce factories, and other activities of that kind. It is only right that such profitable undertakings should be required to pay a fair proportion of the total rate to district councils. If they are rated on a per-acre basis only in similar proportion to the remaining land in the district, they will get off much too lightly. This Bill, therefore, seeks to introduce what is called an "industrial

[Mr. Mortimer] rate" which shall be applicable to land used for purposes other than agriculture or residence, and district councils will be given power to impose a rate in addition to the normal rate with a minimum of Sh. 20 and a maximum of Sh. 1,000 in all such cases. Of course, there is the right of appeal if the proprietors of any such industries feel they have been unjustly dealt with by the action of a district council in their particular case.

I think I have covered all points of the Bill, which I commend to Council for their generous acceptance.

MR. FOSTER SUTTON seconded.

MR. BOWEN: Your Excellency, I welcome the amendments introduced so clearly and lucidly by the hon. mover, and am certain that these amendments will have the effect of giving district councils the opportunity to take on more responsibility than they have been able to do in the past. I may say that most district councils are very keen to take on more responsibility than they have been able to in the past. There is just one point I would like to mention, with a great deal of diffidence. I may say, The hon. mover rather not arriving at its destination with not arriving at its destination aimed at, and I am not quite certain whether it has done so even in this particular instance. (Laughter.) I refer to the amendment to section 6 of the principal Ordinance. It purports to make it possible for you, Sir, to nominate a person where no nomination has been made or where a person refuses to stand, and it says at the end of the amendment "a fit and proper person to be a member of the council to fill any such vacancy". The point I am rather vague about still is the fact that if a person who has been lawfully elected to fill a position refuses to take his seat, is a vacancy caused by that? because if it is not I respectfully submit that the Legal Department has not arrived at its destination aimed at in the first instance.

MR. FOSTER SUTTON: Sir, I only propose to deal with the point just made, whether the proposed amendment covers the position. In a person is elected and refuses it does. If a person is elected and refuses to take his seat after a certain period—I am not quite certain, and the hon. mover can correct me—the seat is automatically vacant. This does create the

position which we only discovered when drafting these amendments. I think the hon. member need have no fears. If he have made another mistake we shall have to come and say so, but I do not think we have. (Laughter.)

MR. MORTIMER: Your Excellency, I cannot at the moment turn up the precise section of the Ordinance, but there is provision in the law that if a member does not attend council meetings without proper reason or excuse, for a given number of meetings, three I think, he shall automatically cease to be a member. Whether that particular section would come into operation or whether under section 6 as it now stands, if an elected member refuses in writing to take his seat, a vacancy would automatically exist at that point, I am not quite sure. (Laughter.) Anyhow, whichever it might be, a vacancy will not exist for very long, and no doubt the remainder of the council would still be able to carry on with their duties!

The question was put and carried.

TRAFFIC (AMENDMENT) BILL

SECOND READING.

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

The object of this small amendment is to make it clear and to give effect to one intention of section 41 of the principal Ordinance, namely, that any person who lends or drives a vehicle or animal upon a footpath which is constructed for foot passengers only shall be guilty of an offence.

MR. FOSTER SUTTON seconded.

MR. BOWEN: Your Excellency, I rather regret that opportunity was not taken of revising the Traffic Ordinance as a whole rather than bring in this amendment only. Most hon. members will agree that the Ordinance is getting rather long in the tooth and contains quite a lot of anomalies, and I would draw attention to one which is causing a little bit of trouble. It says in the Traffic Ordinance that a motor lorry is not allowed to travel faster than 20 miles per hour in certain cases, only 15 in other cases, and 12 in others, and if a man has not had a beer or two he may travel at 25. The point is that this was quite all right in 1928, for motor lorries could not travel faster than 20 miles an

[Mr. Bouwer] bour, but to-day) think the law is being broken every day, and it seems a stupid sort of thing that a section such as that should be left in the Ordinance. I hope an endeavour will be made to bring this Ordinance up-to-date or more consonant with the times.

Mr. BROWN: I quite agree with the hon. member on this point. Your Excellency, about the speed of a lorry. The rules provide a speed limit of 20 miles an hour in the case of a lorry or motor-bus and 15 if it exceeds 30 cwt. I certainly agree that that needs amendment. I believe we have under consideration a review of the whole Ordinance, and the point raised by the hon. member might be dealt with right away by an amendment of the Rules.

The question was put and carried.

BILLS

IN COMMITTEE

Mr. FOSTER SUTTON moved that Council do resolve itself into committee of the whole Council to consider clause by clause the Penal Code (Amendment) Bill, the Local Government (District Councils) (Amendment) Bill, and the Traffic (Amendment) Bill.

Mr. BROWN seconded.

The question was put and carried.

Council went into committee.

The Bills were considered clause by clause.

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

Council resumed; His Excellency reported accordingly.

THIRD READINGS

Mr. FOSTER SUTTON moved that the Motor Vehicles Insurance (Third Party Risks) Bill, the Penal Code (Amendment) Bill, the Local Government (District Councils) (Amendment) Bill, and the Traffic (Amendment) Bill be each read the third time and passed.

Mr. BROWN seconded.

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

ADJOURNMENT

Council adjourned till 10 a.m. of Wednesday, 14th March, 1945.

Wednesday, 14th March, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 14th March, 1945, His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

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

ORAL ANSWERS TO QUESTIONS

No. 87 of 1944—LABOUR RECRUITING.

ARCHIDELON BEECHER:

(a) Will Government please state whether employers of labour are entitled to make direct approaches to chiefs and headmen with a view to securing labour through their influence, both juvenile and adult, either with or without the offer of material inducement to such chiefs and headmen?

(b) If such procedure is illegal, will Government please take all necessary steps to secure that it is discontinued?

(c) For the information and assistance of employers, will Government please make clear what is the normal channel of recruitment, particularly of casual labour for picking and weeding such crops as pyrethrum and coffee?

Mr. MARCHANT: (a) and (b). I will answer the first two parts of the question together. Provided that employers of labour comply with the provisions of the Employment of Servants Ordinance, 1937, it is not illegal for them to make direct approaches to chiefs and headmen with a view to securing advice as to the best place to recruit labour and assistance in getting in touch with would-be workers, but administrative instructions have been issued by the Government to chiefs to the effect that no pressure of any kind may be brought on any native to work for any particular employer. If such administrative instructions are not followed by chiefs, and headmen they render themselves liable to punishment which may amount to dismissal. These instructions were issued with the object of precluding unfair influences being used on any native desiring to work to limit his freedom of choice of employer. If, however, any employer of labour gives or offers to give any money or

[Mr. Marchant] other gift to any chief or headman with a view to the chief or headman using his authority or influence to secure labour, it is an offence under section 72 of the Ordinance.

(c) The normal channel of recruitment is by private recruiters.

No. 6—CIVIL LABOUR CORPS

Mr. COOKE (Coast):

With reference to the Post-war Committee Report (African Section), p. 17, para. 60, has Government accepted the recommendation that a Civil Labour Corps should be formed? (2) If so, what practical steps are being taken to form this Corps? (3) If not, how is it proposed to carry out the recommendations of the Director of Agriculture relating to soil conservation mentioned on page 9 of the main report?

Mr. TROUGHTON: The recommendation to which the hon. member refers has not been accepted or rejected by the Government. Your Excellency is at present considering the methods by which soil conservation works in native areas can best be undertaken, having regard to the necessity for expedition and efficiency. As at present advised, Your Excellency is of the opinion that mechanical means should be used to the greatest extent possible in the light of the availability of machinery and the physical condition of each area, and the extent to which it may be necessary to utilize paid African labour is not yet clear. If it is found necessary to utilize such labour on any extensive scale, the recommendation referred to in the question will be borne in mind.

No. 7—POST-WAR CONSTRUCTION PLANS

Mr. COOKE:

In view of the necessity for surveys before much of the projected post-war reconstruction plans can be begun, will Government expedite these surveys so as to lessen the time lag between the grant of funds for the plans and the carrying out of those plans?

(2) Has Government obtained copies of the maps made by the Royal Air Force and the South African Air

Force reconnaissance units and, if so, will these maps be made available to survey parties?

Mr. TROUGHTON: As regards the first part of the question, I understand that the hon. member has in mind the necessity for surveys of all kinds, and that the scope of this part of the question is not confined to topographical, cadastral and geodetic surveys.

The Government is fully aware that in many cases post-war reconstruction plans must depend on prior detailed investigation and survey, and every effort is being made, and will continue to be made, to obtain additional staff for the purpose.

Regarding the second part of the hon. member's question all maps produced by the Military authorities are recorded in the Land Office and copies are available when required. The Government is not aware of any particular maps having been made by the Royal Air Force as such, but aerial photography by the Royal Air Force has been used in the compilation of many of the official Military maps produced by the Survey Companies of the Army.

No. 8—SERVICE REFRIGERATORS

Mr. COOKE:

Will Government ask the Services to send a full return of the refrigerators in use in messes, canteens, etc., and the approximate number of personnel served by each of these refrigerators.

Mr. WILLOUGHBY (Acting Postmaster General): The answer is in the negative.

No. 11—SUPERANNUATED OFFICERS' RETIREMENTS

Mr. COOKE:

Will Government state the steps taken to carry out the undertaking given in January that the retirement of supernannuated officers would be expedited?

Mr. RENNIE: Since the 1st of January, 1945, three officers have proceeded on leave pending retirement. The retirement of nine more officers has been approved and they will proceed on leave pending retirement during the course of the next few months. The retirement of other officers is under consideration.

No. 12—SOUTH COAST AND TANGA—
MOMBASA ROADS

MR. COOKE:

(Is Government aware that the South Coast Road, especially between Likoni and Diani, is in a deplorable state of repair? If so, will steps be at once taken to effect the necessary repairs? On this subject, will Government state when work on the new alignment on the Mombasa-Tanga Road will begin having in mind that the funds for this very necessary work received priority under the Colonial Development and Welfare Fund?)

ACTING DIRECTOR OF PUBLIC WORKS (MR. WALMSLEY): Government is aware that the South Coast Road is not satisfactory. An inspection very recently by the Road Engineer has led to instructions being given relating to detailed improvements in the maintenance organization.

It is hoped to raise the standard of this road concurrently with the construction of the Tanga Road.

(2) With regard to the second part of the question, the survey now in progress is not likely to be completed until June. It is, in any case, being seriously hampered by malaria. The commencement of construction naturally depends on the completion of the survey as there are no very definite tie points between which construction could safely start before the complete survey is ready.

LAND TRANSFER: DURUMA
TRIBE

MR. LINDSAY (Provincial Commissioner, Coast Province): Your Excellency, before moving the resolution standing in my name on the order paper, I beg leave to correct an unfortunate drafting error, by substituting the name of the Duruma tribe for that of the Digo tribe. I beg to move: Be it resolved that this Council approve of the proposal to set aside in accordance with the provisions of section 57 (1) of the Crown Lands Ordinance the following area of Crown land as a native reserve for the purpose of satisfying the economic needs of the natives of the Duruma tribe—a portion of land adjoining the Coast Native Land Unit in the Digo Administrative District of the Coast Province and known as L.R. No. 1037/2 comprising approximately 1,631 acres.

This resolution has its origin in the Kenya Land Commission Report, which recommended in paragraph 1209 that a special inquiry should be undertaken by the Provincial Commissioner, Coast Province, into the claims of the Duruma tribe to land in the Mwachhi Valley. This special inquiry was carried out in 1935, and the Provincial Commissioner's recommendations were accepted by the Government and by the Secretary of State. These included proposals that when opportunity permitted, certain farms in the Mwachhi Valley which had been wrongfully alienated should be re-acquired and added to the native lands. Farm L.R. No. 1037/2 is one of the farms included in this recommendation. This farm comprises approximately 1,631 acres and lies to the south-west of Mazefas railway station. It has always been in native occupation.

The Provincial Commissioner's special inquiry established the fact that a Duruma native named Lucas Mgandi had laid claim to this land before the Recorder of Titles, and was granted a certificate of title in his own name, whereas the application, if it was made at all, should have been made as trustee for several other natives who were residing on the farm. Lucas Mgandi died in 1943, and his estate was administered by the Public Trustee. During his lifetime, Mgandi had sold several portions of the farm to other natives. Certificate and survey fees amounting to Sh. 2,793 had not been paid, nor did Lucas Mgandi make the subdivisions over to the alleged purchasers. The subdivisions had neither been surveyed nor conveyed. The Public Trustee had no funds with which to pay these outstanding fees, and has surrendered the title to the Crown in satisfaction of the debt.

The opportunity has now arisen to carry out the accepted recommendations of the special inquiry, and for the land to be made over to those natives to whom it rightly belongs. It is now proposed, with the approval of the Native Lands Trust Board, that this land should be proclaimed a native reserve under the provisions of section 57 (1) of the Crown Lands Ordinance. When this has been done, any claimant to occupation rights can, if he establishes his claim, retain his portion according to native law and custom. To fulfil the requirements of

(Mr. Lindsay)

the law, it is necessary for the consent of this Council to be obtained for the proclamation of a native reserve, and I trust that the motion will be accorded full support.

MR. TROUGHTON seconded.

The question was put and carried.

POST-WAR EMPLOYMENT AND
REABSORPTION

MR. COOKE: Your Excellency, I beg to move: That this Council views with apprehension the apparent lack of co-ordinated plans for post-war employment and reabsorption, and asks Government for a full statement of the position.

It is only a year, less than a year, ago since I brought a similar motion in this Council, and I make no apologies for bringing it again, because it seems to me that we have added yet one more year into the years that the locusts have yearned, both metaphorically and physically. On that occasion the hon. Chief Secretary wound up an eloquent speech by the use of these words: "I take it that we all agree that this is a great opportunity and that we all agree that each one of us is going to do his share". I hope that before this debate ends the hon. member may be able to lay his hand on his heart and, in liturgical tones, give us an assurance that he has done all those things that he ought to have done. There is considerable doubt whether he will be able to give that assurance, and that is the reason I bring this motion to-day, because there is considerable disquiet throughout the whole country, and that disquiet is by no means alleviated when one talks with certain officers who are charged with the important task of preparing post-war plans.

And, when I mention these officers, I think that a lot of the present trouble is due to the choppings and changings that have taken place. I have before this protested strongly against taking Mr. Hyde-Street away from his duties. Then, of course, the busiest and hardest worked man in the country, the hon. Attorney General, was put as chairman of the Re-absorption Committee, and I understand that a change is going to be made there and that the chairman of the committee is going to be a man who is also fairly hard worked. My hon. friend will possibly reply that everybody is hard

worked and that it is difficult to get anybody else. Of course, the hon. Economic and Development Secretary—who is now seeking pastures new, and a little more remunerative!—(laughter)—when he was appointed last year was regarded, to use a Latin tag, as *Deus ex machina*; but he has now decided to go elsewhere. (As a critic of my hon. friend, I should like to say how much personally I welcome his new appointment, because I could not imagine anybody more suitable for the task.)

The points which I am going to bring up are mostly those recommended in the Post-war Employment Committee's Report, a report which I am afraid the majority of hon. members have not even taken the opportunity of studying, although it was printed about two years ago. The first point was that of Director of Reconstruction. I know, Sir, that your view is that such an appointment might lead to over-centralization but, with all due respect, I cannot see the logic of that view. There must be a director of affairs, to co-ordinate affairs, at the head of every business. You as Governor must be a director and co-ordinate affairs, the Commander-in-Chief of the Army must be that, and it does not necessarily follow that, because you have surely a head, he will not devolve his duties on others. In respect of this appointment, which was strongly urged in the report, we envisaged that the other territories as territorial, but the other territories as usual, are being so vexatious over this matter and thing has led to considerable delay. I ask now, I made the point last year, that we should go ahead without the other territories, because these grave matters cannot be allowed to rest as they are.

The second point I want to bring up is the question of the labour battalion. I regard firstly as very unsatisfactory the reply received this morning. It is considered apparently that there may not be any use for many "bodies". The greatest scheme, of course, in the world, and America is the most mechanized country in the world, has employed hundreds of thousands of men, the Tennessee Valley scheme, and I persist in the point of view that the only possible way of reclaiming land is by total war by an army mobilized for that war. I was perturbed when the hon. Economic and

[Mr. Cooke.]
Development Secretary said he envisaged employment for these men under the Native Authority Ordinance—

MR. TROUGHTON: On a point of personal explanation, I did not say, I envisaged the employment.

MR. COOKE: At any rate, he indicated it was the intention of the Government—

MR. TROUGHTON: On a point of personal explanation, I did not indicate it was.

MR. COOKE: I accept his explanation. (Laughter.) I brought up the point before, and it was not denied, but the hon. member might not have been here! (Laughter.) But the point is that if the hon. member or any member on the other side, the hon. Director of Agriculture for instance, has envisaged employing people on six days a quarter, well, I think, if it is going to be extremely wasteful labour, totally inefficient and totally inadequate for the big tasks ahead. I personally go a little further than the Director of Agriculture in this matter. He put up this splendid scheme, but I think it should be enlarged, and personally I should like to see a whole brigade of disciplined natives under young Kenya Europeans with a flair for leadership, and with a flair for agriculture, on a ten-year plan, and I should like to see these battalions available to be hired out, if necessary, to any settler who wanted them for reclamation purposes on his land. The primary employment would be in native reserves, and I should like to see men who are disciplined—I am afraid the Military Labour Service is not a very good example as far as discipline is concerned—and uniformed, and offered by men who understand natives; they should be allowed, as in the Tennessee Valley experiment, to have their wives and children with them, and be properly housed. I personally envisaged great reclamation schemes which in certain spots would take months to accomplish; for instance, a barrage on Athi River or the Tana.

The next point is more controversial, and that is about native land. We have appointed a land officer for European settlement, but none for Africans. I do not understand why. The native land problem is the greatest in the country at

the moment, and we must recognize, whether we like it or not, that the land is totally inadequate for the present population, and that this over-crowding will not be solved by any kind of local industry which may spring up in this country. I was very sorry to see that, in the speech Your Excellency made to the Nandi and Wakamba, all the blame appeared to be imputed to the natives of those tribes. I say "appeared", because reporting nowadays is often not very accurate. But if you, Sir, knew this country possibly as well as some of us do, I think a portion of the blame would be laid on Government and a considerable portion of the blame on my hon. friends on this side of Council. I was very glad to hear the Provincial Commissioner of the Coast say that land was being reacquired for the Duruma, and I think we shall have to reacquire eye land in the Highlands, if necessary. While reclamation and soil conservation schemes are carried out: Surely the only way is to have a proper survey, and to appoint an officer to make a report on what land is available.

The next point is rehabilitation. We have been told more than once, and a great deal has been said in the House of Commons, about the great work of rehabilitation that is being done, and those of us who ask to see what is being done are usually brought to the Kabete military camp. There very magnificent rehabilitation is taking place, but only for those considered fit to be cannon fodder in the future. Those unfit, I understand—and it has not been contradicted—are discharged at Langata Camp and they make their way back to their reserves—it depends on their own inclination whether they go to the civil hospital to be rehabilitated or not. I submit that there has been a lack of liaison somewhere there, approaching very nearly a scandal, for a lot of these men must have gone back to their reserves crippled, and possibly suffering from diseases. I suggest that no native should be discharged from Langata until every effort is made to rehabilitate him. I think that a native who has to be saved from himself in this case, and compulsion is entirely necessary in order to bring this about.

The next point is less controversial—I have dealt with the labour battalion—

[Mr. Cooke.]
the British Legion. I understand the chairman of the British Legion is anxious that African askaris discharged should be eligible for membership of the British Legion, but that he cannot get any decision from Government on that matter. I personally cannot for the life of me see why we should not have Africans in the British Legion. I have never got an adequate reply, but I suspect the reason Government is not anxious for this is that they think that if the British Legion is extended to Africans it might form the nucleus for agitation later on, or something of that sort. If that is their point of view, I think it is a wrong one, because the only way I know of, the only satisfactory way, of treating agitation is to remove the causes, and if there is no cause of agitation—(MR. COOKE: What about Ireland?)—if the hon. member would speak up members on the other side might derive benefit from his witticisms!—the only way I see to get rid of agitation is to remove the cause. General Anderson in his talk the other day mentioned that the Africans in Burma were beginning to be a little bit restive and were asking why Europeans got leave and they did not. Well, there is a red danger signal already.

We have heard a lot about crime in this country, and I think I can certainly say that it is not going to what it will be if we send back to the reserves a lot of discouraged and disciplined Africans. From the meanest and lowest point of view it will be a good investment to see that the African gets not only a square deal but even more than a square deal when he returns. I know there are people, and I have heard it expressed in the Electors Union Conference, who think that when Africans return to the reserves, discharged soldiers, they will have a good disciplinary effect. My experience as a district officer was that very often that had an opposite effect, because when you take an African from the rigid discipline to which he has been accustomed it is like the man in the Bible out of whom the devils were cast; his last state is worse than the first, and the sergeant or sergeant-major who returns to the reserve will soon become a most unruly element in the reserve. So that I would disabuse anybody's minds of the idea that these people left to themselves will have a good influence in the reserves.

though it may be argued, and I think rightly, that the Education Corps is doing such good work now that it may make a certain amount of difference. On this subject I have been asked by one hon. member to suggest that when demobilization takes place the mechanised transport people, who are skilled men, should be demobilized first if possible, because there will be a great demand, we hope, for mechanization in the European areas.

My last point is finance, which is not an unimportant aspect of the matter. The Development and Welfare Fund will provide a lot of money, but most of that will be for capital rather than recurrent expenditure. I have advocated before, and in Mr. Morrison's report it is suggested that steps should have been taken two years ago to raise rates and cess paid by Africans. There is a lot of loose money lying about, which causes inflation—among other things, money which should be paid into funds for post-war improvement of the reserves but, as usual, it is simply "under consideration" and nothing has been done as far as I know. I do suggest that some steps be taken. When I mentioned this two years ago the then Chief Native Commissioner said it was undesirable that we should compel local native councils to raise their cesses. I was not quick enough then, but I could have quoted from the report to show that we were cognisant of the danger and did not wish to have local native councils compelled to raise their cesses. All we did was to suggest by propaganda that they should consent to raise the cesses.

I am not going to keep Council any longer, but I do ask Government to give a clear statement. The points I have made are, I think, reasonable points. The problem is too serious to be treated with any levity or any lack of consideration for those who fought for us in this war. (Applause.)

MR. NICOLL: Your Excellency, I beg to second, and reserve my right to speak later.

MR. VINCENT: Your Excellency, in brief support of the very excellent motion introduced by the hon. Member for the Coast, I should like to say that I consider it most opportune, and I am certain that Government will not feel unduly

(Mr. Vincent) harassed by it. But the points I want to make are additional to those already made by the hon. mover. I think in a matter like this that it is not much use looking back. We are interested in present day conditions, in what is being done. However, I am afraid that whatever is being done is not known either to Europeans or Africans serving abroad. I have ample evidence of that. I have had one very long letter, which I do not propose to read. I ring up an official connected with reabsorption, who came straight to my office, and I gave him the letter, and I must say he took the trouble to dictate a long and detailed reply, but out of that reply one or two points emerge. You have issued—and when I say "you" I naturally mean Government—progress reports. The first one is already out of print, and I am unable to obtain a copy of it. I am not going to ask how many copies were printed, but I do maintain that there should have been sufficient copies for every European member of the Forces at least to have had a copy as I think he was entitled to it. A second report has been printed. I was able to get a copy of it, and I am sending this to a member of the Forces who has taken the trouble to write me at great length in the interests mostly of young East Africans in the Forces.

In this time of shortage of paper and shortage of man power and over-work, we must not disregard the essentials, and I think it false economy to have officials and departments working hard to coordinate matters hiding their light under a bushel, and not allow these people, in whose interests they are working, to have complete knowledge of what they are doing. It is not good for morale and, from a business point of view, if it were waste of an excellent opportunity of having a fine direct mail campaign, so that these fellows in the trenches, who are far more interested in dodging bombs than in reading G.R.O.s, know that when they have a post come in they have something from Kenya, and from Kenya Government and, in this case, from the Legislative Council of this country, which shows that we are looking after their interests, and I think they are justly entitled to it. I would not like the hon. Economic and Development Secretary to

interpret my remarks as being an attack, but I believe there are some things one cannot emphasize too strongly.

The other point I want to make very briefly is one which is the natural follow-through. I want to feel sure—and if occasions do arise in the future which make me believe that proper liaison is not existent, I shall bring the matter up again—I want to feel sure that there is a definite channel through which our civil body can work harmoniously and quickly and satisfactorily through the military authorities, so that if I receive a complaint, or any member of this Council who has constituents receives a complaint, we can go to the civil authority with full knowledge that it is going to be followed through and is not going to meet a check as soon as you enter the porch of military administration. I am not suggesting that that is the case, but I believe a great deal of thought and care were taken recently to set up an organization which we felt was going to be proper and carry out these duties efficiently, and we do not want that to be wasted by being checkmated when you enter into a phase of military life.

I also wish to say that the letter I have received is not remarkable, it is illustrative of the attitude of Kenya youth today towards the natives. Not only is this letter concerned with Europeans, it also mentions that a native who has had great trouble at home—the death of his wife—his children could not be looked after and he was not able to make arrangements. The man is in Burma, and he was refused leave to go home. I think that in that case when we have clear evidence that that sort of thing occurs our civil authority in this country should be in a position to see that it does not recur, and by taking strong action in the first instance see that that remains just an isolated case, because our duty is not only towards Europeans at the front but all other races serving us.

I have asked a question, which has not yet been answered—I only asked it the day before yesterday—that all military personnel should have direct mail. We should not rely upon Press reports and G.R.O.s but try and acquaint our people with what we are trying to do for them. Even the Imperial troops. I understand from this letter, when the

(Mr. Vincent) question of an election arose in England, every single man of them received a personal card on the subject. How much more, therefore, should we do to see that these people at the front do not feel that they are forgotten.

I beg to support the motion.

MR. PANDYA (Eastern Area): Your Excellency, I shall not take up the time of Council for very long. I want to say, briefly, that we on the Indian side of Council are in sympathy with this motion. A large number of Asian personnel are serving in the military forces, and we, the Indian community, as yet do not know what plans are being prepared for their absorption after the war. I know that there is a Civil Reabsorption Board, but I do not know whether that Board has met at all or when it is going to meet, and the public, the Indian public particularly, do not know what plans Government have for the Asian personnel demobilized after the end of the war. There is this particular question in which we are interested, land settlement, apart from any other employment which may be given technicians or clerks. I know the answer to this question which has been given in the past is that there has been very little demand for agricultural employment or land settlement. But we on this side are going to repeat that question, that although it may be said that the response from the Indian community has been very small, we feel that there will be a response if there is a definite direction from Government to lead the Indian communities towards agriculture and land settlement, especially if Government do show that some definite plans have been prepared and a person appointed to look into the question and to assist in continuing with that object. Another point I wish to make is that even to-day in the military services, if Asian personnel is not absolutely essential for the Services, they should be released so that they can on their discharge be reabsorbed into employment to-day.

MR. MATHU (Native Interests): Your Excellency, I should like to congratulate the hon. mover on this motion on a very explicit presentation of facts, and in supporting his views I should like to

quote from Hansard of the session of November last what I said on this point: "One more point, under Head 34, the demobilization and reabsorption of Services personnel. I do hope that Government is considering putting up plans pretty soon so that the demobilized African soldier may know what employment he is going to get. That is still the position, and I am receiving almost every week letters from Africans serving abroad asking what Government is doing in regard to their job, what employment are they going to get, what steps Government are taking to see that the training these Africans have got during the time they have been serving in the Forces is not going to be wasted but is going to be beneficial to them and to this country? I have not been able to answer those letters because I do not know personally what the position is. The Civil Reabsorption Board is in existence, and I am a co-opted member when matters concerning Africans are under discussion. I do not think that the Board has met to discuss matters concerning Africans, because I have never attended any meetings.

Further, I hear that their fears are these: that if Government publishes what their intentions are about the future of the Africans serving in the Forces, they may not be able to carry out those obligations to the African, who will turn round and say "Those were definite promises about the question of employment, education, the question of medical services, and so forth. Therefore we want to have these things, because they are definite promises. But because Government are not certain that they are going to be carried out therefore they keep quiet and will not make any publicity, but when they are certain they will get out their plans". If that is the situation, we are damaging the morale of the African soldier in the Forces at the present time, and I do not think it will do any harm now but a great world of good to have every opportunity taken to publicize what the Government programmes are in regard to post-war employment and reabsorption, and all the necessary journals and papers published either by the civil authorities or the military authorities should get into the hands of the Africans serving in the Forces, so that they may know exactly

[Mr. Mathij]

where they stand and be relieved of the position where they do not know what is going to happen to them.

So in supporting the motion I should like to make a further plea that a definite statement should be made by Government as to the future of the African soldier in particular and, of course, for the future of the country in general, after the war. I beg to support the motion.

MRS. WATKINS (Kiambu): Your Excellency, in rising to support the motion I should like to congratulate the hon. Member for the Coast on the way he did it, and I should like to support what the hon. Member for Nairobi South said in the reception we have had of a great many letters from our constituents. I have had about ten this year asking "What is going to happen to us?" and I think letters from the Africans are asking the same thing. There are one or two missing links in what we are doing. For instance, secondary industries have got to a certain stage, such as the potteries which should be started on Lake Victoria which would absorb an enormous quantity of ex-soldiers when they come back, with leaders among them for the senior posts—and we find they are not even started. We find the work goes so far and then fades out, or there is a black spot, like your car getting bogged on the road, and we do not seem to be able to get any further. I believe that we have to get more co-ordination and that we have got to know a little more of what is being done. I absolutely agree that the men concerned should get personal mail and be told these things, because as soon as any one reads that mail he will see what the missing links are, and he will also see where we are going.

I have also noticed that the hon. Director of Education has said that the shortest cut for getting teachers is training them, and I very much hope that there will be a reabsorption of soldiers in training our Africans to teach. I would also like to suggest that in the reabsorption of our white youngsters we may consider some such system as they have at home, of sending a boy to a variety free of expense provision he will teach wherever the Education Department at home want him for five years after his training. Probably he will be

wanted in the native reserves, and a great many young men would jump at a variety training and paying for it in that way, and it might help the Director of Education to get his number of trained teachers he needs at the end of the war, as many as we could afford to pay—or probably we shall not be able to get them, but we should have a body of men and women teaching.

On the matter of the compulsion of natives, to my mind it seems quite ludicrous that we people should sit in this Council and wonder whether we can compel natives to go to rehabilitation centres. After all, the African does belong to an immature race, and you would never allow your son or daughter to say

"I have broken my leg but do not want to go to hospital". You would not allow it for one moment, and it seems to me ridiculous that we should carry the theory of non-compulsion to these idiotic lengths. I call it idiotic deliberately, because we must get these natives compelled to go and get rehabilitation and get their artificial limbs or anything else necessary. In that respect, I know there is a great deal of voluntary effort available in this town, because I have been found to many firms and asked them if they were prepared to take one, two, three, or even four men partially maimed into their employ, and the answer has been "Of course we would, men without a leg or with other injuries for our telephone exchange". I believe that if we could get a roll of firms and farmers able to employ maimed people, we would get quite a lot reabsorbed. A little time ago I heard of a man paralysed from the waist downwards; he had served in the K.A.R. A firm heard of him and wrote to say they would take him, they had a job for him, but he was allowed to go straight back to his reserve, where he died—he passed out, and he wanted to go on living. I believe many people could help, and they would if they knew these things were happening. But we must first force men to take their rehabilitation, and then give them jobs, and I do not believe there is a firm in this town who would not make room for one man in that condition. I mean men without hands or legs or whatever it may be.

This matter of personal mail I think is very important. I cannot tell you of the letters I got after the general election

[Mrs. Watkins]

when I found I had failed to pay air mail on some letters to people in Burma. I paid airmail on nearly all when I knew where they were. Some I did not, and therefore those people got their election papers too late. It seems to me ridiculous that it should be up to a private member—or would-be member—to have to pay air mail because Government was too mean to frank letters for a public duty like voting. That is the sort of way we have been neglecting our soldiers. I think that is all, Your Excellency.

MR. THAKORE (Central Area): Your Excellency, I consider this motion a very timely reminder of the important problems confronting us when the war is over. This is an opportune time when all the machinery necessary in the matter should be put into motion to anticipate the return of the soldiers after the war. I am closely associated with the serving personnel, and know what is in the minds of people serving in the army when they come back. They do not know whether jobs are waiting for them when they lose their present job at the end of hostilities, or in what way they are going to be rehabilitated, and a clear declaration of policy from the Reabsorption Board would be very welcome and set the minds of the serving personnel at ease in that direction. The country is going to be confronted with another problem. There are many schemes waiting to be carried out which during the period of the war we have not been able to touch, and considerable personnel will be necessary in order to bring those schemes to fruition. Even from that point of view it will be highly desirable that proper machinery is set to work at once, so that there shall be no time lag between the return of these men and the commencement of a programme of reconstruction after the war. I support the motion.

MAJOR JOYCE (Ukamba): Your Excellency, there is just one point in regard to this motion on which I should like to say a few words, and that is the question of the training of African artisans. It has been touched on by the hon. mover, but I should like to enlarge to some degree on that point. I think we would all agree that it must be part of our duty to aim at getting a great deal of the post-war work done by African

artisans and it is, of course, a fact that many have been trained in various skilled jobs in the armed forces, but I fear that many of those skilled men when they are demobilized will go back to their reserves, forget what they have been taught, and not really be available for the development of this country in any useful capacity. I would like to suggest to the Civil Reabsorption Board the possibility of approaching the military authorities with a view to seeing whether it would not be possible to keep many of these men in the army under military discipline for a sufficiently long period to be able to train them for the work that will be required of them in civil life.

I think if that were possible it would not be very difficult to establish camps in different parts of the country, not only in the reserves but in the settled areas, under suitable commandants, where these semi-skilled Africans would go through their courses in carpentry, bricklaying, and all the various things, and before they were passed out of these camps they would be issued with some sort of certificate of competency. I believe that would be of great value to the African and of considerable value to the employer. I do not claim that this suggestion of a certificate of competency is a new one, but I should like to stress it because I believe that it would be a very great inducement to the African to continue his training for a sufficiently long period after the war to make him a useful member of society and to enable us all to make the fullest use of him in the enormous jobs of work with which we are faced in the future. I support the motion.

ACTING DIRECTOR OF MEDICAL SERVICES (Dr. Lockhart): Your Excellency, upon the point in regard to the admissions to the rehabilitation centre, it is the case that the position has given rise to some anxiety. Originally, there was a simple method of admission under which a military and civil surgeon went round the hospitals and selected cases which would be discharged from the army and would benefit by rehabilitation, and transported them to the centre. But the military administration raised difficulties over this, because it meant that serving soldiers were under civil control. Ever since this we have had considerable

[Mr. Lockhart]

difficulty in inducing soldiers who are already discharged from the army to enter the centre. They had all been in hospital many months, and had perhaps certain unpleasant experiences there, and when offered the option of going home or entering another hospital they were inclined to elect to go home. Now we have considered remedial measures, but I understand that powers under the Pensions Ordinances in England are not in fact very effective, and hon. members can understand the difficulty in depriving a pensioner of his pension if he declines to undergo treatment.

My personal view is that the best chance is to get hold of the men before discharge from the army as we did originally. (Hear, hear.) We have recently been in communication with the military Director of Medical Services, and he has agreed to see whether this cannot be accomplished. If he is unsuccessful, I will pursue the matter through other channels.

MR. TROUGHTON: Your Excellency, I should like to say at the outset that I do welcome this motion, although I should naturally have preferred it if the hon. Member for the Coast had given us a little more time. This question of the reabsorption of Service personnel is a matter that concerns us all, and it is a matter on which all opinions are valuable and on which we need all the advice we can get, and I am glad that we have this opportunity of discussing it.

I should like first to refer to the organization. I am not in the least complacent about what we have done. We have had difficulties to face, we have overcome some of them, others remain to be overcome, but I do not think that there has been anything in the nature of a muddle. The set-up has been clear. The Civil Reabsorption Board is responsible for the policy, and I am the person in charge of the executive organization to carry that policy out. There have been staff changes, but we have been able to carry on.

Turning to the question of rehabilitation, I should like to add a word to the observations of the hon. Acting Director of Medical Services. It is perfectly true that the position is not as satisfactory as we would like, and the whole matter was threshed out at an inter-territorial

demobilization conference last week, which I attended as the representative of this Government. It was quite clear that it is the fixed view of the War Office that the function of rehabilitation while a man is in the army must be to enable that man to become an efficient soldier, and that if a man cannot be rehabilitated to the extent to enable him to become an efficient soldier then he should take his pension, or whatever it may be, and be discharged and become the responsibility of the civil authorities. That is a view with which, in the case of Africans, I do not agree, and it is the intention of myself and other representatives of this Government to raise the matter on a higher level. I should like to take the opportunity to say from this that hon. members must not feel that I have said that the reabsorption organization of this Government is not receiving the fullest co-operation from the military authorities. It most certainly is. They have their difficulties, we have ours, but our relations are most cordial and we each help the other.

As regards the question of Africans joining the British Legion, I can say at once that, so far as I am aware, Government has received no communication from the chairman of the Legion, but the matter has been discussed on the Civil Reabsorption Board of which the chairman of the Legion is a member, and the position is quite clear. Government has not the slightest objection, if the Legion are prepared to admit Africans to membership, it has not the slightest objection to its doing so and, in fact, would welcome it. (Hear, hear.) It is a matter primarily, well, it is a matter entirely, for decision by the Legion and Government would welcome African discharged soldiers becoming members of that great organization, which is able to contribute a lot to their welfare in many ways.

I should like to refer to the question of publicity which was mentioned by the hon. Member for Nairobi South and the hon. member Mr. Mathu. What we propose to do is this, to issue a booklet, which is being drafted now, to all members of the Forces, giving as complete information in as compact form as we can, information regarding leave on discharge, gratuity on discharge, transport, pensions, employment bureau facilities

[Mr. Troughton]

available, training facilities available, particulars of land settlement schemes which have been approved, where a man can go for information and advice, where he can go for further treatment and on what terms, and all that sort of thing. That is being prepared in booklet form. Personally, I think, with all respect to the hon. Member for Nairobi South, that it is probably better to disseminate this information in the form of a booklet which is complete in itself, rather than to bombard members of the Forces with reports from time to time, which involve incidentally a considerable amount of work, but that does not matter if it is desirable to issue them, and I am quite prepared to pursue the suggestions of the hon. member further. But I do feel that the issue of this demobilization booklet will probably meet his point to a very large extent.

As regards what the hon. member Mr. Mathu said, there is a big difficulty in regard to publicity among African soldiers, and it is this. There are serving in this Command Africans from other territories and the military authorities quite naturally take the view that they object to Africans from one territory being singled out for special treatment by its Government. For example, if the Government of Kenya—which, with all its faults, has made some progress in this matter—if we issued information to Kenya's Africans serving with the Forces the Africans from other territories, which may not have made so much progress as we have, would have a grouse, and their morale might be to a greater or less extent affected, and the military authorities take what I think is the obvious, common sense view, that insofar as African soldiers are concerned the African soldiers from one territory should not be singled out for special treatment by their Government while in the army.

On that point it obviously follows that, if at all possible, all the Governments should speak with one voice on these matters. (Hear, hear.) There are other reasons why they should speak with one voice which I will mention later, but I am glad to say this, that at this inter-territorial conference which I attended, last week the Governments agreed to the appointment of a Principal Civil Dis-

pensals Officer who would be an inter-territorial functionary, able to speak to the military authorities on behalf of all Governments; and also, more important, an inter-territorial Director of Training who would be able, on behalf of all Governments, to organize the training of ex-service men for filling the places in the war which they are entitled in a civil life after the war. That marks a step forward, that latter appointment, a particular step forward. I should like to say here that I remember the hon. Member for Nyanza expressing pleasure, when I announced at the previous session that the Director of Training was a territorial appointment—I can express pleasure now that we are going to have an inter-territorial job.

Plans for the training of Africans take two forms. First, the training of Africans before discharge—and here I should like to mention that the point made by the hon.

Member for Ukamba has been borne in mind. We recognize that, before discharge, there will be opportunities when in the army for Africans to have special training which the army have the staff and equipment to give, which will help to fit these Africans for civil life. But the inter-territorial snag arises. You cannot, according to the army view, pick out Africans from Kenya or Uganda or Tanganyika for special treatment, but we hope that the Director of Training—and the army have promised that all possible facilities will be made available—will be able to arrange courses for Africans from all territories while still in the army, that the curriculum adopted in these courses will be based on civil needs, and that in fixing the curriculum full consultation will take place—and as a matter of fact is taking place now—with employers to ascertain what curriculum can best be given to fit men for employment in civil life.

The second type of training is immediately after discharge. We recognize that individuals once having been discharged are free agents. They may wish to go home, but many of them we hope will wish to take, and others will be persuaded to take, further training. With that end in view the Director of Training plans to take over certain military establishments in East Africa. He has got his eye on them, has been over them, and knows what the staff is and what

[Mr. Troughton] equipment is available. Again, unless this appointment is inter-territorial, we should get the same old snag, because the military authorities will quite naturally not be prepared to release a centre for the training of say, carpenters for Kenya if they know that will lead to a consequential demand for a centre for carpenters for Uganda, Tanganyika, and so on through the whole gambit of territories, and we hope to organize them on an inter-territorial basis. Our plans are far advanced, and now that the other Governments have agreed to an inter-territorial Director of Training progress in that respect should be rapid.

As regards the employment of Africans—and incidentally, Sir, it was with some surprise that I listened to this debate for, with the exception of the hon. Member for Nairobi South, I did not hear any reference at all to Progress Report No. 2 on demobilization which we published in January and circulated to members of the Council in February. That report does set out what we have done up to that time, and certain things I have mentioned and will mention to-day are in it. But I am surprised that we should be taken to task for not giving adequate information, when the information we have given is in no way criticized. I have not heard a single breath of criticism about the report. However, that is by the way.

As regards the employment of Africans, I should say, that we have—I have said it before—a scheme for employment bureaux with free facilities for Africans who seek employment and free facilities for employers who desire to employ ex-Service Africans. Free transport will be provided. This scheme is ready, and will be put into operation well before the mass flood of demobilization begins. Here in Nairobi, a big difficulty arises because of housing. As is known, the housing available is insufficient for the existing African population, and the Civil Reabsorption Board made strong representations to the municipal council and the municipal council are pursuing the idea of a temporary housing scheme, mainly with the object of enabling ex-service men to be employed in Nairobi to get housing.

As regards European training, it has been decided, as you know, Sir, that the

Egeffon school should be made available for the training of Europeans in agriculture. It has also been decided that, if possible, another site should be selected and the establishment, in fact, doubled in number in order to provide for a greater number of people, and the secondary school now at Njoro moved elsewhere. There is also a bursary scheme applicable not only to agricultural training but to every other kind of training, and not for Europeans only but for members of all races. That scheme is in operation and working now. We are in a position to go ahead and deal with applications right away.

As regards the vocational training of Indians in agriculture, I am glad to say that arrangements have been made with Tanganyika Government for us to go into partnership with them in a special training establishment that they are about to construct at Morogoro, assisted by funds provided by us, with a definite number of vacancies in the establishment earmarked for pupils from Kenya.

Then, on the side of African settlement. The hon. Member for the Coast referred to the question of a land settlement officer, and that is the only aspect of this particular matter that I will deal with. I shall leave the rest to the hon. Chief Secretary. The first essential in the case of African settlement—and we know quite well that African settlement on a large scale will be necessary, there I agree with the hon. member, right away—the first essential is to have a detailed investigation of the areas concerned. We have to get that, and we are trying to get staff, and we hope to be able to get ahead and make progress in this investigation without waiting for the end of the war. But once suitable areas for settlement have been determined, then I think is time for the work of a land settlement officer or land settlement board, or whatever particular set-up may seem the most appropriate. We are fully alive to the necessity of providing land for the re-settlement of Africans but, as I say, it does require investigation.

There is one further point that I might mention, that our organization at present serves as something in the nature of an employment bureau in respect of Europeans and Asians who are being discharged from the Services now. It

[Mr. Troughton] functions quite smoothly and satisfactorily, and we have been able to place a number of Europeans and Asians in employment, and we hope we will be able—in fact, we know we will be able—through the co-operation of the various Chambers of Commerce on the commercial side and the Agricultural and Production Board on the agricultural side to place a great many, and to help them to get suitable employment when demobilization takes place in earnest. We also have a scheme, which is working now, of interim payments to individuals during the month or two during which they may be out of employment after demobilization looking for the particular employment which suits them best. Payments are made, in such cases, and the Civil Disposal Office has full discretion to make payments up to a certain maximum in each case.

One final word, on the subject of development, and in very brief word. The Development Committee is sitting at the moment, and will shortly submit an interim report to Your Excellency. It may interest hon. members to know that my interest with which that committee has been presented involve capital expenditure amounting in the aggregate to something of the order of 17 million pounds. A good deal of them will have to come out, but that is the magnitude of the task with which this committee is faced, and that figure, I think, gives some idea of the possibilities of re-absorbing ex-Service men in Government employment even though only a fraction of the programme may be carried out during the few years immediately following hostilities. In addition, private enterprise is planning expansion, and I do feel that, with adequate vocational training which we now see ahead, our organization is trying as best it can to put the right man in the right job in full association with the Labour Department—we will be able to do much to enable the ex-Service man to take his place in civil life as a contented and efficient citizen of this country. (Applause.)

MR. RENNIE: Your Excellency, the very comprehensive speech made by the hon. Economic and Development Secretary leaves me, I think, with very little to say, but I would make one or two re-

marks about points he has not covered. He made reference to the fact that a good deal of the information which he has now given was published recently in a demobilization progress report dated January, 1945, No. 2. Progress Report, and perhaps it is not asking too much if we ask the hon. mover to say what attention has been given to that progress report by hon. members on the other side of Council.

The main point to which I would allude is the question of the Director of Reconstruction. The hon. mover has expressed his views on this post more than once, and I have expressed mine. I do not say that those views always coincide (laughter): that is not an unusual state of affairs between the hon. mover and myself. The short fact is that the other territories were not enamoured of the inter-territorial aspect of the appointment, as I have mentioned before. Hon. members will appreciate that an inter-territorial appointment of this sort will involve even more constitutional and administrative difficulties than the type of appointment he himself envisaged on a territorial basis. The hon. mover, I think does not appreciate some of the difficulties involved in an appointment of this sort. I may inform hon. members that it is a matter to which you, Sir, have given a good deal of attention since you have come here, and the appointment is not one that can be dealt with by itself. The whole set-up of the Government machine must be taken into consideration, and we must try to ensure that we have a set-up which will enable the ordinary administrative work of the country to be carried out at the same time as this most important work of the development and rehabilitation. At the present time you are considering this matter, and I think hon. members are rest assured that the final set-up of an appropriate authority will be such that the functions given to that authority will be carried out—in an effective way without disturbing too much the ordinary administrative and constitutional machinery of the country.

The hon. member also referred to the question of a labour battalion, and stated that he was not satisfied with the answer that he was given on that subject. Well, it is a matter about which more than one view can be held. I think the hon. mem-

(Mr. Kinnell)

ber will appreciate that the Provincial Commissioners are in a position to judge whether a labour battalion, or even a labour brigade, is likely to do effective work in soil conservation, reclamation schemes, and that sort of thing, and so far I have never heard any very enthusiastic support for the proposal. It is obvious, however, that in certain cases and for certain schemes a disciplined force of workmen would be most useful, and I think that this problem is one that might well be left to the development and reconstruction authority to decide for itself when that authority is set up.

The hon. member made reference to the question of title, land settlement and stated that land should be acquired for such purposes. I think the hon. member, and hon. members of this Council, are already aware that the Government has done a considerable amount of preparatory work in this way. If the hon. Director of Veterinary Services, who unfortunately is ill this morning, had been present, he would have been able to tell us what his (useful) survey had achieved in the past year or two. That preliminary work does require time, and only when the tsetse fly survey has been completed and various other surveys connected with the reclamation of suitable areas carried out, shall we know more about the possibilities of reclaiming certain areas which we at present have in mind. I would remind hon. members that you, Sir, have already explained what you intend to do as regards one area, namely, the Machakos District, and that experiment will be most useful as a guide to the procedure to be adopted in other areas later on.

The hon. member Mr. Mathu referred to the necessity of telling the African what the Government has in mind as regards land, educational and medical services, and matters of that sort. Well, Sir, I think hon. members will appreciate that the Development Committee which is sitting at the present time has not yet completed its deliberations. It hopes shortly, I gather, to publish an interim report, but from the statement made by the hon. Economic and Development Secretary this morning one realizes that the committee has a very formidable task. There can be no doubt, however, that, so far as educational and medical

services are concerned we must have in the very near future, very considerable increases. Once the Development Committee has put forward its proposals, and those proposals have been approved, we shall then see what it is possible to do in the way of the necessary expansion. But I am sure that hon. members can rest assured, and the hon. member Mr. Mathu, that there will be very considerable increases in educational and medical services in the very near future.

The hon. member Mr. Thakore mentioned the necessity of seeing that we get the machinery in motion. I think hon. members will appreciate after what the hon. Economic and Development Secretary said, that the machinery is very definitely in motion and, not exactly in better gear.

I think I have covered all the points that were outstanding in the speech of the hon. Economic and Development Secretary, and I will merely make reference to one more point. The hon. mover has taken the Government to task—not for the first time in this respect—about the changes that took place some time ago over this reabsorption and demobilization work. Well, it is easy to be wise after the event, and some hon. members, I know, have succeeded in being wise before the event (laughter), but looking back over those changes to which he has alluded, I have no regrets whatever. I think the changes were essential. I think they were the best that could be made in all the circumstances, and I am quite content to think that in this case it is possible that the Government happened to be right!

MR. COULDRAY: Your Excellency, on this particular occasion I find myself in the unusual position of agreeing almost entirely with the hon. Member for the Coast! But I am going to say only a few brief words. I would call your attention to the wording of this motion, "that this Council views with apprehension". This motion, of which notice was given 24 hours ago, was discussed the day before by ourselves. I am sure that if anybody had apprehension 24 hours ago, then it must be doubly so after hearing the most eloquent but most evasive speech that I have ever heard the hon. Economic and Development Secretary make. (Laughter.) I think he succeeded very well in his delightful Irish style in

(Mr. Couldray)

dragging not only a dozen of the hon. mover's fishes across the trail but in entirely evading the real issue. I will take one case. He told us, if I heard him right—if I did not he will jump to his right and say "On a point of personal explanation, Your Excellency", and correct me—if I heard him correctly he said that the military authorities did not like Kenya, for example, doing too much for our troops in case Tanganyika and Uganda and other territories would have to do the same.

MR. TROUGHTON: On a point of personal explanation (laughter), Your Excellency, I did not say that at all. I said that the military authorities did not wish one Government to indicate its plans to troops from its own territory unless the Governments of other territories were in a position to act simultaneously, because for one portion of the troops in the East Africa Command I was singled out by its Government for special treatment was regarded as detrimental upon the others.

MR. COULDRAY: I am afraid that I am not much wiser after that personal explanation! But what I understand it is. The military authorities do not wish Kenya to do such and such for you unless Uganda is in a position to say the same thing. (It will sit down if there is another personal explanation?) That is all right then. Of course, the hon. member is not the General Officer Commanding-in-Chief, he is not running the army and cannot be responsible for what the army does, but when at the same time he says that he is on the most satisfactory and delightful terms with the military authorities it does seem to me that we have every right to view his efforts with apprehension. (Laughter.) What, of course, he should try and do is to induce the military authorities not to forbid the Kenya Government doing so much for their people until the Uganda people do the same for theirs, but to encourage them to go ahead, by getting the spirit of competition between the territories we would thus get the very maximum we can for these soldiers.

The hon. member said this was going to be changed. How is it? We are going to have a gentleman already appointed

as a territorial officer whom we will call an inter-territorial officer, which will in effect mean—again I await a personal explanation if I am wrong—that instead of consulting one Government we will have to consult five or six Governments, and will have in effect to do everything that has times as long to do as anything that has been done up till now. You cannot expect us on this side of Council—who, after all are responsible to these people, we were elected by Europeans and I maintain we are very much responsible for the natives—cannot be satisfied with this sort of perpetual haggling for everything to be conducted on an inter-territorial basis. We must get over that somehow. You, Sir, have a way of getting over it. You yourself are chairman of the Governors' Conference and, if necessary, you must call—I had better put it, I suggest the Governors' Conference must be called (laughter)—to put up to it that we cannot have this intolerable delay, that after all this time we are just told that a post of this sort is going to be changed and expect to be pleased by a whole lot of very nicely put-across explanations by my hon. friend opposite. I suggest there my hon. friend for this apprehension, I am every reason satisfied with the reply, but will leave it to the hon. mover who is the same nationality as the hon. Economic and Development Secretary to cross the t's and dot the i's of this proposal.

MR. EXCELLENCY: I should like to have, if it is agreeable to hon. members, an adjournment of about 5 minutes for consultation at this stage of the debate. If the hon. member Mr. Vincent will be good enough to consult with me for a moment?

Council accordingly adjourned.
Council resumed.

ARCHDEACON BEECHER: Your Excellency, there are two points on which I am very far from being satisfied arising from what has been said by hon. members on the other side, and a third about which I am apprehensive.

I had hoped that it might not be necessary for the question of rehabilitation to be discussed in this Council at all, but, as it has been, and as I fear that I must regard the answers given from the other side of Council as not going by any manner of means far enough, I must

[Archdeacon Beecher] speak about it. The question of having to compel a person to undergo orthopaedic treatment in a civil rehabilitation centre ought not to come into the picture at all. My knowledge, which is strictly limited, indicates that orthopaedic treatment has become recognized as an integral part of medical science, and it is in increasing measure regarded as an integral part of the treatment. If I may take an example. The hon. Chief Secretary would feel very aggrieved if a member of the medical profession said to him: "We have now succeeded in persuading your achilles tendon to rejoin and although it is quite obvious you cannot walk well that is all we can do for you". Treatment has to be carried on to the stage when the person in question is as completely fit as medical science can make him, and we must break this idea that seems to have got firmly entrenched in the War Office mind that it is only worth while offering orthopaedic treatment to a soldier in the hospital if the man can go back into the fighting services. Personally, I shall not be satisfied with any assurance which falls short of a statement by Government to the effect that, even if the local military authorities feel unable to break their hitherto established principle, this Government is prepared to take it to a much higher level immediately.

It seems to me the question should be taken up by the Colonial Office with the War Office at once, in order to secure that every African passing through hospital, whether he is going back into the fighting services or not, has the fullest possible benefits of medical science made available to him. This should include orthopaedic treatment for a prisoner about to be discharged from the army for, once discharged, he will not feel disposed to go back for treatment at a rehabilitation centre. If it means the complete reorganization of the centre so that it is brought under military control and made part and parcel of the work done by the military hospitals for Africans and other races I feel that should be done.

The second point dealt with the question of publicity. When the hon. Economic and Development Secretary said that they had in mind the preparation of a booklet which would be sent

to all members of the Forces, I began to feel a little reassured, but when he went on to describe what that booklet was going to contain it became quite clear that it was not going to be sent to Africans. Then he went on to—

MR. TROUGHTON: On a point of personal explanation, it is for all members of the Forces. I was making no racial discrimination.

ARCHDEACON BEECHER: I thank the hon. member for his personal explanation, but the impression conveyed to my mind—my mind may be warped—was quite clearly that he referred to matters more relative to others than Africans. In any case, he did go on to indicate that there would be some considerable brake applied to any publicity among Africans by reason of what he was pleased to call the "inter-territorial snag," and I should like to join the hon. Member for Nyanza in protesting most strongly against any delay in publicizing among the African soldiers who have come from this territory what the intentions of this Government are in respect of them.

The hon. Chief Secretary, replying to my colleague, referred to the fact that it might be necessary to wait for the Development Committee's report before promises more specific were made to African soldiers, but I think that if there is any value at all in that second progress report, to which reference has been made, full use of it should have been made by its circulation in Swahili and possibly other vernaculars to all serving soldiers. If other territories are running their necks into a noose by making no preparations for African soldiers from those territories when they come back from the war, that is no reason at all why this territory should follow suit and run its neck into a noose also.

The third point is one on which I would welcome a reassurance, because I am still apprehensive. I welcome the assurance given by the hon. Economic and Development Secretary that consideration was being given to this question of African settlement. I too regret that the hon. Director of Veterinary Services is not here this morning to give us a factual statement about the progress towards achievement along these lines. I trust the investigation is continuing as expeditiously as possible, be-

[Archdeacon Beecher] cause I cannot agree with the hon. member more when he said the matter of land and land settlement concerning the African is one of very vital importance. I trust, therefore, I can have an assurance that this will have very expeditious attention, and will not be like a letter of mine forwarded to one Government department in November, 1943, which failed to achieve an answer till an astounding period had elapsed, for I only received a reply to that letter in January, 1945. Sir, I beg to support this motion.

MR. NICOLL: Your Excellency, first of all, the hon. Economic and Development Secretary seemed to express the fact that he was hurt that nobody had criticized Progress Report No. 2. I must say that I was very surprised to learn that neither No. 1 nor No. 2 had been sent to the people best qualified to criticize it, namely, the people in the Forces. As far as I can see, it is all right for those of us here, and it makes a very nice addition to Government files, but I do suggest that these progress reports should be sent, and sent in all relevant languages, to the people most concerned, namely, the fellows who are actually in the fighting services, and I do hope some note will be taken of that comment. With regard to the booklet to which the hon. member referred, I should like to support the hon. member Archdeacon Beecher that this booklet also be published in as many languages as possible.

In regard to this question of rehabilitation, I think I understood the hon. member correctly. He said that the army only continued the rehabilitation of African soldiers if they felt that, at the end of the course of treatment, they would return to the army as soldiers; if they were so badly injured that they could not be utilized as soldiers, it became a civil responsibility. We have had cases of Africans discharged off back from military hospitals and clearing off back to their reserves. I want to submit that, while perhaps the army's contention is perfectly fair and applied insofar as Europeans are concerned, we are dealing with a people of different mentality to Europeans so far as the African is concerned, and it is up to us to protect them.

I want to suggest that the African soldier should continue under military discipline and treatment until such time as he has been rehabilitated insofar as medical science can do it, but the Colony must contribute, we must bear a fair share. If we take a man from military discipline and let him go back to a centre, we shall then try to put him in a centre, we shall not meet with much success. He must be maintained under military discipline, but we will pay for it, for we want to do the best we can for the African.

Coming back again to the speech of the hon. Economic and Development Secretary, I must say I was very disappointed with it, and I entirely agreed with all that was said by the hon. Member for Nyanza. In fact, it strikes me from what he said that the difficulties he has been faced with owing to inter-territorial, shall we say, disagreement was lack of desire on the part of certain territories to play the game as Kenya thinks it should be played. To me, his speech was an added reason why we should have some form of union as soon as possible. (Hear, hear.) In this regard I should like to add to the plea of the hon. Member for Nyanza that you, Sir, in your capacity as chairman of the Governor's Conference shake things up!

MR. FOSTER SUTTON: Sir, you adopted the course of adding this debate for a few moments for the purpose of consulting with the leader of the European elected members and other persons on this side of Council, and as a result of that you have authorized me to make it clear to the official side that they are free to vote on this motion according to their consciences. (Applause.)

Now, Sir, I would like to say one or two words. I had no intention originally of intervening in this debate, but one or two points have been raised which I have felt very strongly about and, if I may say so, about which I fully sympathize with the views expressed by elected members. When this Civil Reabsorption Board was started, one of the first things we felt was that it was necessary to ascertain what we were to plan. It was no good sitting round conferring unless we knew what our problems were, and we had to try and find out what those problems were going to be. We were able to reach all the Europeans serving in the Forces, and all

(Mr. Foster Sutton)

the Asians, but when it came to reaching the African soldier and trying to ascertain his views we realized that any information we did ascertain would probably be rather of a hearsay nature, though it would have given us some idea of what he was thinking about. When we attempted to do that in various ways we found ourselves blocked in every direction. The only way we could obtain information was from discharged soldiers who were actually in this country.

I do not share the views expressed by one member on the other side of Council about the military authorities. I can see their point of view—that if only the Kenya soldier was approached and if it was made to appear that the only person being looked after was the Kenya soldier, it would have an adverse effect on the morale of the other troops serving side by side with him. Take as an example of the point I am dealing with—how on earth can a Director of Training really make his plans unless he can ascertain approximately, not exactly, but ascertain to a certain extent what those problems regarding the African soldier are likely to be? It seems to me that he would be planning in the air, and it is an extremely difficult job to tackle.

I personally have no complaint against the military authorities. I see their point of view, but what we have complained about and feel strongly about is the failure of all territories to reach agreement on matters that seemed to us here to be matters of vital importance to the man who is serving. (Hear, hear.) I understand from the hon. Economic and Development Secretary that during the last few weeks some measure of agreement has been reached, but I should like to say, expressing a personal opinion, that I do not consider it goes far enough. (Hear, hear.) I apologize if I appear to speak rather strongly on this matter, but it is a matter the whole board, I think I can say, are fully in agreement about. We have tackled it in the best way we were able to and have taken it up as strongly as we were able to, but personally, I think, other members of the board feel as I do that we have not achieved the results we had hoped for. That may come but at any rate it has taken a long time.

Regarding one or two points made by the hon. member Archdeacon Beecher about the circulation of the booklets and progress reports. A number of those progress reports were circulated, and it is hoped and believed that they are going to be explained to the serving soldier. I do not myself feel that enough of them have gone out, and I give this undertaking, that more will be sent and every effort will be made to see that the information contained not only in the reports but also in the booklet that is to be published does reach the soldier. I also agree, and I am quite certain the whole board will agree, that the booklet should be published not only in the English language but in the languages that can be understood by all the persons serving in the Forces. (Hear, hear.)

If I may be pardoned for saying so, the only words I do not very much like in the motion are the words "co-ordinated plans". I would not accept the proposition that proper efforts have not been made in Kenya and that we have not co-ordinated our plans. I feel that we are far ahead of any of the other territories in our planning, and a great deal of honest, good work has been put in by the officers of the board. I cannot speak too highly in their praise. I think they have been under-staffed and the task is not an easy one, but they have not been idle, and I am glad to take the opportunity now offered to say they have done the best they possibly could under all the circumstances. (Hear, hear.)

MR. SHAMSUD-DEEN (Central Area): Your Excellency, I have not paid great attention to what has been said on the motion, because frankly, I think it is a repetition of so many motions on which a lot of time is wasted in talk, talk, talk, and very little of it is consequential. But after Your Excellency's announcement that the Government members are to be permitted to vote as they like, I could not help being reminded of a memory of 22 years ago of a similar procedure in this Council, and I feel I ought to congratulate Your Excellency for having revived that procedure. For the last 22 years the system of allowing Government members to vote as they like has been completely absent in this Council. This decision gives me great pleasure.

I should also like to congratulate the hon. Attorney General on having made

(Mr. Shamsud-Deen)

reference to the Asians, as from the speeches of other members it appeared as if it were only Europeans we were dealing with. I think he was the first hon. member to refer to the Asians. From the debate that I have heard in this Council this morning, it appears that the war has come to stay for a long time; it has become almost a normal part of life, and people are so accustomed to it that they think the war is going to last for a long time, if not for all time. Hostilities are not going to wait for actions to be taken by those adjoining Governments. The war may come to an end any day soon, and I think we are already late in having our plans prepared for the post-war absorption of military personnel. To procrastinate in the matter is to rely on the fact that the war is not going to end soon. I will not waste the time of Council, but I think the sooner we take real and active measures to provide for the absorption of the people who come out of the war the better, for, while I hope that I am not unduly pessimistic, I think that if we do not take steps there will only be a repetition of the pavement artists which I saw so deplorably in the streets of London in 1924.

MR. COOKE: Your Excellency, I think hon. members for having said so much that I myself would have said, as it will save a lot of time and trouble in replying. But I want to join with the hon. Member for Nyanza when I say—and I must say this with reservation because the two hon. gentlemen on the other side have in the past spoken so eloquently and logically in this Council—that it was the worst speech that I have heard of the hon. Economic and Development Secretary make or the hon. Chief Secretary. I have a great deal of sympathy with them because they were put in an indefensible position, for all the weapons were on this side! They had to defend an impossible position, and the longer they spoke the more illogical and more difficult their position became. They reminded me of that little rhyme which I wrote down:—

"Whenever one is in the wrong,
Each step he takes is much too long.
Who walks apace but walks astray
Is ever furthest from his way."

(Laughter.)

I feel that I should rather sympathize and commiserate with the two hon. members than try and take advantage of the fact that we, I think, are in the winning position to-day.

The hon. member Mr. Mathu struck the nail on the head when he said that the Government of the country was afraid to make promises to the natives because they were not always sure those promises could be fulfilled. That is absolutely true, but it happens to be one of the greatest indictments of Government that could possibly be uttered, and I say now, and I have said it before, and Your Excellency's speech to the Nandi-reinforces everything, that until we can restore to the Africans a proper faith in the bona fides of British rule, no real progress can be made of this country, and I look to Your Excellency, with your great experience of the African, to give us a lead in that matter and you will find that we shall all follow you.

This question of inter-territorial non-co-operation is one of the vexed questions before us, and we are asked to stand stock still because Governor Dilly of Uganda and Governor Dally of Tanganyika will not take any effective steps. We are cribbed, cabin'd and confined because these gentlemen are nourished on apathy, and are brought up on apathy, and will die apathetically. (Laughter.) I think we must go forward in spite of them. If you, Sir, are unable to do not believe you will be—to get these gentlemen to agree, we must take our own line. It shows the value of the elective principle that we in Kenya have been able to make so much progress while the other territories have been so backward. This is to a large extent due—I am not praising ourselves on this side of Council—to the fact that we are a critical, vigilant and combant lot of people; and I believe that is the reason why some of our supply boards, our price control, our food distribution, have been the envy of surrounding territories, because always on our side there has been criticism—not always constructive my hon. friends will say—and criticism must be a spur to any Government of this country.

The hon. Member for Kiambu talked about the employment of disabled

[Major Cavendish-Bentinek]

made to introduce the necessary legislation at the earliest possible moment, but in a form which will be acceptable to both the legal authorities, pig producers, and all other interests concerned.

LAND ACQUISITION BILL

MR. FOSTER SITTON: Sir, may I mention why the Bill to provide for the compulsory acquisition of land was on the order paper yesterday and was taken off to-day? After consultation with hon. members on the other side of Council and, with some of my colleagues this side, we came to the conclusion that greater progress would be made if the second reading of the Bill was not proceeded with during this session and that, in lieu of that procedure, a committee was appointed to consider the policy to be incorporated in the measure. The idea is that the Bill would then be amended, if necessary, so far as policy is concerned, and could then in its amended form be republished in the Official Gazette, and introduced some time during a later session of this Council. We feel that no unnecessary delay will be occasioned by that procedure, and it has the advantage that the policy can be altered, whereas if the Bill goes to its second reading and to a select committee, that committee cannot alter the policy. Sir, if you agree to that course, it is suggested that a committee, not a select committee but consisting of members of this Council—with myself as chairman, the hon. Director of Agriculture, the hon. Commissioner for Land and Settlement, the hon. Economic and Development Secretary, the hon. members for Nairobi South, Nairobi North, Rift Valley, Central Area (Mr. Thakore), and Native Interests (Archdeacon Beecher) as members—should be appointed to consider this Bill and prepare it for publication in the Gazette and introduction into this Council. I suggest that the terms of reference should be: "to consider the policy to be incorporated in a Bill for the compulsory acquisition of land for public purposes".

HIS EXCELLENCY: If it is agreeable to hon. members, the committee just enumerated by the hon. member will be appointed to consider the Bill in the manner suggested.

ADJOURNMENT

Council adjourned *vine die*, and the date of the next session it was announced would be Tuesday, 1st May, 1945.

WRITTEN ANSWERS TO QUESTIONS**No. 11—ASIAN DEMOBILIZATION****MR. PRITAM:**

In order to discharge its moral, if not legal, responsibility in respect of Asian personnel who were engaged by the Indian Man Power committees for the military, will Government please make a pronouncement, after full consultation with the military authorities, as to the rights and privileges to which Asian personnel are entitled on demobilization?

Reply:

Appropriate recommendations have been made to the War Office by the local military authorities, after consultation with the East African Governments. Full information will be published when decisions have been taken.

No. 15—LEAVE PRIVILEGES FOR KENYA SERVICE PERSONNEL**MR. VINCENT:**

What action has Government taken to ensure that arrangements be made by the military authorities for residents of Kenya who are members of H.M. Forces serving in Europe and overseas generally, be granted the same leave privileges in Kenya as are enjoyed by H.M. Forces from the United Kingdom serving overseas, who are allowed to return to the British Isles on leave after a definite period of service overseas?

Reply:

The question whether it would be possible to make arrangements for East African personnel serving in the United Kingdom to be granted leave to visit their homes in East Africa or alternatively to be "repatriated" to the East African Command was recently raised with the military authorities.

On the assumption, however, that the principle if accepted would have to apply to the whole of East Africa, the military authorities, while promising all support, suggest that it would be more

appropriate if the case for all the East African territories was represented to the Colonial Office with a request that an approach should be made in the matter to the War Office.

The Chief Secretary to the Governors' Conference has been asked, after consulting the Governments concerned, to make the necessary representations in the matter.

No. 18—PUBLICITY**MR. VINCENT:**

(a) What action has Government taken to ensure that news letters and other material issued by the Information Office obtains the widest possible publicity? (b) Will Government arrange that copies be sent direct to each member of both Houses of Parliament in England?

Reply:

(a) The most important publicity material issued in English by the Information Office consists of—

(i) Weekly newsletters containing short paragraphs of news items.

These are distributed to the P.R.O. Colonial Office; the Publicity Section, British Embassy, Cairo; the Public Information Bureau, India; the P.R.O., S.A. Commissioner's Office, Nairobi; the Representative of M. of I., West Africa; the British Overseas Press Service, New York; the E.A. Trade and Information Office, London; and Information Officers of East and West African territories; N and S. Rhodesia; Aden, Asmara and the Sudan.

(ii) Picture series, each containing twenty or more photographs with captions.

These are sent to the P.R.O. Colonial Office, and are eventually handled by the Ministry of Information, London.

(iii) Brief articles, some of them illustrated. Nearly all of these go to the P.R.O. Colonial Office, and selected articles are sent in addition to Information Officers in the Rhodesias and West Africa and to the Bureau of Information, South Africa. Some are sent also to the Publicity Section of the British Embassy, Cairo, and to the British Overseas Press Service, New York, as well as to the Army depart-

ment of Education and Welfare, E.A. Command, for use in army papers here and in Ceylon.

Some illustrated articles and single photographs are also sent to "Pictorial Press", an agency in London; but with this exception all material is sent to official channels for publicity through the Press. This is in conformity with the policy of the Ministry of Information and Government Information organizations, whereby no encroachment is made upon the normal spheres of press correspondents. To supplement these official channels, however, a private arrangement has recently been made in Nairobi to supply the local correspondent of the overseas press with copies of the Information Office Weekly Newsletter.

As a further effort to ensure that this widely distributed material does achieve the fullest possible publicity, a check is kept as far as possible on what part of the material is in fact published. A service of micrographed Press cuttings is received monthly from the Ministry of Information, containing news of the Colonies which has appeared in a certain number of British papers, mainly of the Colonial specialist type. Such of these papers as are received in the Information Office are also studied for Information Office material. Details are also received occasionally from the P.R.O. Colonial Office as to what action has been taken with Information Office material, and to publicity achieved. Lists are also sent from time to time of material dispatched to the Colonial Office about which the Information Office is ignorant as to whether or not publication has occurred.

As a result of these reports and inquiries it is known that during 1944, 14 Information Office articles have appeared in whole or in part in the British Press and 247 paragraphs taken from the Kenya Weekly Newsletter. Four of the illustrated articles sent to "Pictorial Press" were also accepted for publication. Information Office material has also appeared in South African, West African, Rhodesian and Egyptian papers. Photographic material from the Information Office has also been used for the Colonial Office for film strips for widespread exhibition in schools and other centres, and exhibition sets have been made of photographs supplied for general distribution

in the Dominions and Colonies and in several foreign countries.

108 articles as well as a number of notes from native areas and reports of the proceedings of native councils prepared in the Information Office appeared last year in the Kenya Press.

(b) The Government is not prepared to send copies of the Weekly Newspaper to each member of both Houses of Parliament. The Colonial Office, however, is being asked to place several copies of the Newsletter in the libraries of both Houses as well as in such other institutions (e.g. the Royal Empire Society) as it is considered would help to achieve the publicity so much desired.

No. 19—DISTRIBUTION OF INFORMATION TO H.M. FORCES

MR. VINCENT:

Will Government arrange that information or announcements on any subject such as civil reabsorption plans, settlement schemes, etc. of interest to members of His Majesty's Forces who are normally residents of Kenya be posted direct to each individual, instead of relying on such information being disseminated through the medium of Military G.R.O.'s and Press notices?

Reply:

Steps are being taken to prepare, in consultation with the military authorities, a booklet for issue to all members of His Majesty's Forces. The booklet will contain a statement of the various benefits for which individual members of the Forces are eligible, the procedure to be followed for availing themselves of those benefits, and the arrangements made by the Government to help them resume their place in civil life.

The booklet will contain information under the following headings:—

1. *Demobilization:* Where it will take place.
2. *Leave:* Amount to be granted.
3. *Gratuity:* Amount to be granted.
4. *Clothes:* Scale of Service kit to be retained, and of civilian clothes, or cash, to be issued.
5. *Transport:* Provided to where. Whether for dependants. Arrangements for meals en route.

6. *Medical treatment:* Any special facilities or concessions.

7. *War pensions:* To whom payable at what rates.

8. *Reinstatement in civil employment:* Any legal rights of reinstatement.

9. *Employment:* Use of employment bureaux or other facilities.

10. *Technical or vocational training:* (1) Facilities available; (2) conditions of eligibility; (3) particulars of allowances payable.

11. *Further education:* Facilities available and conditions of eligibility. Particulars of allowances payable.

12. *Land Settlement:* Particulars of any schemes approved.

13. *Temporary maintenance pending resettlement in civil life:* Details of the scheme.

14. *Disabled persons:* Any special facilities available.

15. *Information and advice:* Where the demobilized men should apply for further information and advice.

16. *General:* Conditions of eligibility and any disqualifications for these benefits.

In addition to this booklet, it is intended in future to issue to individual European members of the Forces from Kenya copies of announcements and official statements which are likely to be of interest to them, such as details of approved settlement schemes, plans for vocational training, etc. Appropriate publicity will also be given as far as possible to similar announcements and statements affecting members of other races.

No. 20—MOUNTED POLICE FORCE

MR. TRENCH (Rift Valley):

What action does Government propose to take about the suggested formation of a mounted section of the Kenya Police Force?

Reply:

The proposal that mounted sections should be established in all police divisions where horses or mules can be kept and where mounted work is considered likely to facilitate the policing of the area has been accepted by the Government.

The necessary funds have been made available and the Commissioner of Police is arranging for the purchase of ponies and mules.

No. 23—NATURALIZED ALIENS. PUBLICATION OF NAMES

MAJOR JOYCE:

Will Government agree to publish quarterly in the Press and Official Gazette the names of those aliens who have received naturalization papers in the previous quarters, stating the previous nationality of the persons named?

Reply:

The answer is in the affirmative.

In this connexion attention is invited to the reply given to the question asked by the hon. Member for Nairobi South at the March session of the Legislative Council: a copy of the question and answer it attached:

"No. 13: Hon. Member for Nairobi South:

Will Government please state if any change in policy with regard to the naturalization of aliens has taken place or is under consideration?

HON. CHIEF SECRETARY: No change of general policy has taken place or is at present contemplated. In view, however, of the difficulty at present being experienced on account of shortage of staff in making suitable and adequate inquiries into the antecedents of applicants for naturalization, it has been decided to suspend, until further notice, the consideration of all applications subject to the following exceptions—

(i) applications from women who lost their British nationality on marriage and whose marriages have been terminated; and

(ii) applications from British born women who are married to aliens of enemy nationality."

No. 24—WATER ANALYSES

MAJOR JOYCE:

In view of the fact the Government Notice No. 1029 of 12th December, 1944, requires that water used in the

manufacture of foodstuffs must be clean, wholesome, pure and potable, will Government state what provisions, if any, it has made for analysing and reporting on such water?

Reply:

Bacteriological examinations of water can be carried out at any time by the Medical Research Laboratory and details as to the manner in which the specimens should be collected and forwarded may be obtained from the Senior Pathologist. A fee is payable for the examination.

In regard to the enforcement of the requirement the hon. member's attention is invited to Regulation 25 of the Regulations.

No. 25—TAX EVASIONS

MR. BOWKER:

Will Government please state (a) the number of tax evasions discovered by the Income Tax Department during the years 1942, 1943, and 1944 among European, Asian and African taxpayers, (b) the number of cases referred to the courts: European, Asian and African, (c) the number of cases compounded: European, Asian and African?

Reply:

Evasion of tax may arise from a number of causes including failure to make a return (which is arrested by a prosecution) and the rendering of incorrect or false returns resulting in an under-assessment of tax due. The following particulars cover all cases where prosecutions have been instituted for any cause or where there has been a direct loss of revenue:—

Investigations completed:	1942	1943	1944
European	1	4	1
Asian	1	2	1
African	—	—	—

All these cases were settled by payment of compounded penalties with the exception of one Asian case in 1942 in which a fine of Sh. 500 was inflicted by the courts.

The foregoing particulars do not include cases where evasion is suspected but in respect of which no investigation

has yet been made. About 20 such cases have been noted, and in addition a large amount of information has accumulated from many sources which will in due course be collated and linked with the tax returns. It is expected that many other cases of evasion will thereby be revealed.

Prosecutions for failures to make returns or to comply with notices given under the provisions of the Income Tax Ordinance:

	1942	1943	1944
European	1	4	1
Asian	2		
African			

No. 26—FORESTRY POLICY

MR. COULDREY:

With reference to the statement made by the Economic and Development Secretary (see Hansard, Vol. XX, column 400) during the budget session regarding a suggested inquiry into forestry policy, has Government yet reached a decision and, if so, what is the nature of the decision?

Reply:

Forestry policy will be reviewed by the Development Committee which is now sitting, and, in the circumstances, it is not considered that any special ad hoc inquiry is necessary.

No. 27—EXCESS PROFITS TAX

MR. COULDREY:

Will Government please state the amount of excess profits tax assessed up to 31st December, 1944, on (a) European individuals, (b) Asian individuals, (c) European companies, (d) Asian companies?

Reply:

The approximate figures are as follows:—

(a) European individuals: £243,049.

(b) Asian individuals: £112,544.

(c) European companies: £1,686,046.

(d) Asian companies: £41,501.

These figures include all tax assessed in Kenya and London. Approximately 5 per cent of the tax assessed will ultimately be allocated to the other East African territories.

Index to the Legislative Council Debates

OFFICIAL REPORT

SECOND SERIES

VOLUME XXI

First Session: 12th to 13th March, 1945

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time = 1R, 2R, 3R;
Com. = In Committee; SC. = Referred to Select Committee; SCR. = Select Committee Report; Re.Cl. = Re-committed to Council.

Administration of Oath—1

Attorney General—

See Sutton, Mr. S. W. P. Foster

Beecher, Ven. Arch. L. J.—

Co-operative Societies Bill, 19

Labour recruiting, 40.

Post-war employment and reabsorption, 70

Bills—

Companies (Amendment), 1R, 5; 2R,

24; SC, 28

Co-operative Societies, 1R, 5; 2R, 17;

SC, 28

Land Acquisition, 5

Local Government (District Councils)

(Amendment), 1R, 5; 2R, 32; Com.

39; 3R, 39

Motor Vehicles Insurance (Third Party

Risks), SCR, 9; 3R, 39*

Penal Code (Amendment), 1R, 5; 2R,

28; Com. 39; 3R, 39

Traffic (Amendment), 1R, 5; 3R, 38;

Com. 39; 3R, 39

Blunt, Mr. D. L.—

Famine relief imported wheat, 4

Surplus maize, 4

Bowyer, Mr. W. A. C.—

Local Government (District Councils)

(Amendment) Bill, 37

Penal Code (Amendment) Bill, 29

Tax evasions, 90

Traffic (Amendment) Bill, 38

Brown, Mr. T. A.—

Traffic (Amendment) Bill, 38, 39

Cavendish-Bentinck, Major C. B.—

Companies (Amendment) Bill, 27

Pig industry, 81

Chief Native Commissioner—

See Marchant, Mr. W. S.

Chief Secretary—

See Rennie, Mr. G. M.

Commissioner of Lands and Settlement—

See Morjimer, Mr. C. E.

Communications—

Land Acquisition Bill, 83

Pig industry, 81

Cooke, Mr. S. V.—

Civil labour corps, 41

Post-war employment and reabsorption, 45, 77, 80

Post-war construction plans, 41

Requisitioned house, Mombasa, 2

Service refrigerators, 42

South Coast and Tanga-Mombasa

roads, 43

Superannuated officers retirement, 42

Couldrey, Mr. F. J.—

Excess profits tax, 92

Forestry policy, 91

Post-war employment and reabsorption, 68, 69

Director of Agriculture—

See Blunt, Mr. D. L.

Director of Medical Services, Acting—

See Lockhart, Dr. F. R.

Director of Public Works, Acting—

See Walmesley, Mr. C. H.

Financial Secretary—

See Tester, Mr. L.

Governor—

See Mitchell, Sir P. E.

- Joyce, Major, F. H. de V.—**
Naturalization of aliens, publication of names, 89
Post-war employment and reabsorption, 57
Water analyses, 89
- Lindsay, Mr. K. G.—**
Land transfer, Duruma Tribe, 43
- Lockhart, Dr. F. R.—**
Post-war employment and reabsorption, 58
- Marchant, Mr. W. S.—**
Kibera, 8
Labour-recruiting, 40
- Mathu, Mr. E.—**
Post-war employment and reabsorption, 53
- Millicell, Sir P. E.—**
Post-war employment and reabsorption, 70, 80
- Mortimer, Mr. C. E.—**
Local Government (District Councils) (Amendment) Bill, 32, 38
- Motions—**
Land transfer, Duruma Tribe, 43
Native Trust Fund, 16
Pensions, 17
Post-war employment and reabsorption, 45
Schedule of Additional Provision, 16
- Nicol, Mr. W. G.—**
Bulk indents, 6
Penal Code (Amendment) Bill, 30, 31, 32
Post-war employment and reabsorption, 50, 73
- Pandya, Mr. R. B.—**
Post-war employment and reabsorption, 53
- Papers Laid—**
- Pritam, Mr. A.—**
Asian demobilization, 84
Asian travel on railway, 7
Asian widows and orphans pensions, 7
Famine relief imported wheat, 4
Internment and evacuee camps purchases, 3
Surplus maize, 4

Questions, Oral—

- No. 82 (1944)—Requisitioned premises, Mombasa, 2
- No. 87 (1944)—Labour recruiting, 40
- No. 1—Bulk indents, 6
- No. 3—Internment and evacuee camps purchases, 3
- No. 4—Famine relief imported wheat, 4
- No. 5—Surplus maize, 4
- No. 6—Civil labour corps, 41
- No. 7—Post-war construction plans, 41
- No. 8—Service refrigerators, 42
- No. 9—Asian widows and orphans pensions, 7
- No. 10—Asian travel on railway, 7
- No. 11—Superannuated officers retirement, 42
- No. 12—South Coast and Tanga-Mombasa roads, 43
- No. 13—Kibera, 8
- No. 14—Naturalization of aliens, 8

Questions, Written—

- No. 11—Asian demobilization, 84
- No. 15—Leave privileges for Kenya service personnel, 84
- No. 18—Publicity, 85
- No. 19—Distribution of information to H.M. Forces, 87
- No. 20—Mounted Police Force, 88
- No. 23—Naturalized aliens, publication of names, 89
- No. 24—Water analyses, 89
- No. 25—Tax evasions, 90
- No. 26—Forestry policy, 91
- No. 27—Excess profits tax, 92

Rennell, Mr. G. M.—

- Asian travel on railway, 7
Co-operative Societies Bill, 22
Naturalization of aliens, 8
Post-war employment and reabsorption, 65, 81
Superannuated officers retirement, 42

Shamsud-Deen, Mr.—

- Post-war employment and reabsorption, 76

- Sutton, Mr. S. W. P. Foster—**
Companies (Amendment) Bill, 24, 27
Co-operative Societies Bill, 17, 23
Land Acquisition Bill, 83
Local Government (District Councils) (Amendment) Bill, 37
Motor Vehicles Insurance (Third Party Risks) Bill, 9, 13, 14
Penal Code (Amendment) Bill, 28, 30, 31, 32
Post-war employment and reabsorption, 74, 80

Tester, Mr. L.—

- Asian widows and orphans pensions, 7
Bulk indents, 6
Internment and evacuee camps purchases, 3
Native Trust Fund, 16
Pensions, 17
Requisitioned houses, Mombasa, 2
Schedule of Additional Provision, 16

Thakore, Mr. S. T.—

- Post-war employment and reabsorption, 57

Titcher, Mr. W. O.—

- Mounted Police Force, 88

Troughton, Mr. J. F. G.—

- Civil labour corps, 41
Post-war employment and reabsorption, 59, 69
Post-war construction plans, 42

Vincent, Mr. A.—

- Companies (Amendment) Bill, 26
Distribution of information to H.M. Forces, 87
Kibera, 8
Leave privileges, 84
Motor Vehicles Insurance (Third Party Risks) Bill, 11, 13, 14
Naturalization of aliens, 8
Post-war employment and reabsorption, 50
Publicity, 85

Wainman, Mr. C. H.—

- South Coast and Tanga-Mombasa roads, 43

Watkins, Mrs.—

- Penal Code (Amendment) Bill, 30
Post-war employment and reabsorption, 55

Willoughby, Mr. G. P.—

- Service refrigerators, 42



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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XXI—PART II

1945

Second Session: 1st to 3rd May

CHRONOLOGICAL INDEX

	<i>Column</i>
1st May	1
2nd May	12
3rd May	61

List of Members of the Legislative Council

President:

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

Ex Officio Members:

- CHIEF SECRETARY, ACTING (HON. E. R. E. SURRIDGEL) (1)
ATTORNEY GENERAL, ACTING (HON. T. A. BROWN). (2)
FINANCIAL SECRETARY (HON. L. TESTER, C.M.G., M.C.)
CHIEF NATIVE COMMISSIONER (HON. W. S. MARCHANT, C.M.G.)
DIRECTOR OF MEDICAL SERVICES, ACTING (DR. THE HON. F. R.
LOCKHART).
DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT, C.M.G.)
DIRECTOR OF EDUCATION (HON. R. S. FOSTER, O.B.E.)
GENERAL MANAGER, K.U.R. & H. (HON. R. E. ROBINS, C.M.G.,
O.B.E.)
DIRECTOR OF PUBLIC WORKS, ACTING (HON. C. H. WALMSLEY, M.C.)
(3).
COMMISSIONER OF CUSTOMS (HON. A. W. NORTHROP).
COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER,
C.B.E.).

Nominated Official Members:

- HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services).
HON. T. A. DENNISON (Solicitor General, Acting). (4)
HON. H. C. WILKBURN, M.C. (Postmaster General). (5)
HON. J. G. HAMILTON ROSS (Provincial Commissioner, Rift Valley,
Acting).
HON. K. L. HUNTER, O.B.E. (Provincial Commissioner, Nyanza).
HON. J. H. CLIVE, O.B.E. (Provincial Commissioner, Coast, Acting). (6)
HON. C. TOMKINSON (Provincial Commissioner, Central).
HON. J. F. G. TROUGHTON, M.B.E. (Economic and Development
Secretary).
HON. MBARAK ALI HINAWY (Specially appointed to represent the
Interests of the Arab Community).

European Elected Members:

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

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Indian Elected Members.

HON. SHAMSUD-DEEN (Central).
HON. S. T. THAKORE (Central).
HON. K. R. PARDO (Eastern).
HON. R. B. PANDYA (Acting) (Eastern).
HON. A. PRITAM (Western).

Arab Elected Member.

HON. SHEKIFF ABDULLA SALIM.

Nominated Unofficial Members:

Representing the interests of the African Community—

VEN. ARCHDEACON THE HON. L. J. BEECHER.

HON. ELIUD MATIU.

Acting Clerk to Council:

Mr. K. W. Simmonds.

Reporter:

Mr. A. H. Edwards.

- (1) *Vice* Mr. G. M. Rennie, C.M.G., M.C., on leave.
- (2) *Vice* Mr. S. W. F. FOSTER-SUTTON, K.C., O.B.E., on leave.
- (3) *Vice* Mr. J. C. Stronach, C.M.G., on leave pending retirement.
- (4) *Vice* Mr. T. A. Brown, Acting Attorney General.
- (5) *Vice* Mr. G. P. Willoughby, Acting Postmaster General.
- (6) *Vice* Mr. K. G. Lindsay, O.B.E., Acting Deputy Chief Secretary.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

1st May—

Hon. Arab member.

2nd May—

Hon. Arab member.

3rd May—

H.E. the Governor.

Hon. H. C. Willbourn.

Hon. Arab member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

—SECOND SESSION, 1945

Tuesday, 1st May, 1945

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 1st May, 1945, His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning Council was read.

ADMINISTRATION OF OATH

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

Hon. E. R. E. Surridge, Acting Chief Secretary; C. H. Walsley, Esq., M.C., Acting Director of Public Works; H. C. Willbourn, Esq., M.C., Postmaster General; T. A. Dennison, Esq., Acting Solicitor General.

PRESENTATION OF INSIGNIA

By Command of His Majesty the King. His Excellency presented:—

The Insignia of Officers of the Most Excellent Order of the British Empire to Magnus Halcrow, Esq. (St. Helena) and D. P. Coulin, Esq.

The insignia of Member of the Most Excellent Order of the British Empire to Mrs. May Hickson-Mahony (Tanganyika).

The British Empire Medal to C. A. Harvey, Esq.

The George Medal to Chemweno arap Chepkoiyou and Kiberenge wa Mischaria.

The insignia of a Serving Brother of the Venerable Order of the Hospital of St. John of Jerusalem to Brigadier R. F. Cormack.

Letters of Appreciation from the Air Council to Chemweno arap Chepkoiyou, Kiberenge wa Mischaria, Kimgech arap Kigen, and Cheboi arap Chepkurui.

COMMUNICATION FROM THE CHAIR

SOUTHERN AFRICAN AIR TRANSPORT CONFERENCE

His EXCELLENCY: Honourable members will have seen in the Press the full reports that have been published of the recent Southern African Air Transport Conference at Capetown, which I attended with the hon. Mr. Vincent from this Council and the hon. Mr. Leslie from Tanganyika, on behalf of East Africa. I had hoped to be able to lay on the table at this meeting of Council a Sessional Paper giving full information of the manner in which it is proposed to give effect here in East Africa to the obligations undertaken by us as a result of the Conference, as well as the organization of our local air services. Unfortunately, although the material is very nearly complete, I have not been able to get it ready in time, but I hope that it will be possible to publish it at a very early date, and I will of course see that copies are sent personally to all hon. members.

The difficulty in preparing the Sessional Paper has been largely due not only to the delays inevitable in consultation with London and the other East African territories, but also to the fact that important negotiations and discussions in connexion with civil aviation are in progress on an international basis and are not yet complete; and as hon. members will realize, while the nations of the world are negotiating upon the general principles which are to regulate civil aviation, it is often difficult to reach decisions on local questions. For example, the final specifications of an international trunk airport cannot be decided until we know precisely what is to be laid down in International Air Navigation Conventions, and their application to local conditions including altitude and climate. I can say that it

(H.E. the Governor)

has been decided that Nairobi is to be the East African trunk airport, and that very substantial work will be necessary in order to bring existing facilities up to the requisite standard. A detailed professional report on the matter has been sent to the Secretary of State, and it is now being considered in London.

Similarly, while all countries have of necessity responsibility in respect of aids to navigation in the air, analogous to those which they have for lights and buoys and so forth along their coasts, it has been impossible so far to work out any details in respect of these territories, because, apart from other unknown factors, there is so much transport flying by the Royal Air Force and the South African Air Force that for the time being these services must of necessity be under Service control. I can, however, say this: that it is accepted that each country must be responsible for aids to air navigation over its own territory, and that the East African group of territories will organize these essential services on a joint basis.

As regards local air services, the Orange Report has been published, and negotiations are going on in London with a view to the establishment of an East African Local Air Service, with the technical advice and assistance of British Overseas Airways. I can say no more at this stage than that since substantial expenditure of public funds will be involved, no agreement which may provisionally be made can be put into effect until the consent of the Legislative Councils concerned has been obtained, and so far as this Colony is concerned I will take the earliest opportunity of seeking that consent by means of a Government resolution when the necessary material is available.

I think I may perhaps add this: that in the peculiar circumstances of civil aviation in partially developed territories such as these, there are particular difficulties in three respects. First, in making sure that you have at your disposal high-grade technical advice, particularly in respect of the purchase of aircraft and equipment; secondly, in comparatively early age at which flying staff has to be grounded, and the difficulty of ensuring that it is fully up to date, both meaning in effect that small local organizations must have some arrangement for second-

ment with larger concerns if they are not to be overwhelmed by superannuation charges; and after some years, staffed with men who are out of touch with modern developments; and thirdly, a very important part of the revenue of a local air service depends upon its securing the agency work for the large external air transport operators who fly through the country, and who will naturally only give that agency work to an organization which satisfies them that it is in fact competent to handle the work. The arrangements for which I hope, at an early meeting of this Council, to ask hon. members to vote the necessary finance, have had to be made having these particular problems in mind. I owe an apology to hon. members for not being able to be more definite to-day about these important matters, and I can only repeat what I have said before—that I will place full information in their hands at the earliest possible moment.

"V"-DAY ARRANGEMENTS

In view of the situation in the war in Europe and of what appears, at any rate to myself and my advisers, the imminence of its victorious conclusion, I think it desirable also to make public from the Chair of this Council the arrangements which we have made, as far as it is possible to make arrangements, in advance of the event. First as to the announcement. The Information Office has arranged stand-by periods starting on Wednesday, 2nd May, at the following times: 8.15 a.m. and 1.45 p.m.; 4.15 p.m. and 6.45 p.m., and the news of the cessation of hostilities when it is received will be broadcast at one of these periods. The general public will be notified by the ringing of church bells, the sounding of sirens, and by the firing of guns. As to thanksgiving services, if the news is received before midday there will be an open-air interdenominational service outside the western entrance to the Law Courts at 5.30 p.m. on that day; if the news is received after midday the service will be held at 5.30 p.m. the following day. If the news is received before Wednesday midnight, there will be a thanksgiving service at the Cathedral of the Highlands at 9 a.m. and at St. Stephen's Church at 10.30 a.m. on the Sunday following; if the announcement is made after Wednesday midnight, the services will be held on the second Sunday following. As regards holidays, there will be a

(H.E. the Governor)

public holiday on the day the news is received and on the following day, and I understand that arrangements have been made to enable places of entertainment to remain open until 2 a.m. (Laughter.) There will be a march-past in the town on the day the announcement is made.

That is, as far as we can do so, the arrangements for celebrating this happy day which we all hope cannot now longer be delayed. (Hear, hear.)

MINUTES

The minutes of the meeting of 14th March, 1945, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By THE ACTING CHIEF SECRETARY (MR. SURridge):

Sessional Paper No. 1 of 1945: Promotions, Provincial Administration; Report of committee appointed to prepare a scheme for post-war local air services in East Africa; Standing Finance Committee report on Schedule of Additional Provision No. 4 of 1944; Printing and Stationery Department Report for 1944.

By THE FINANCIAL SECRETARY (MR. TESTER):

Report of Land and Agricultural Bank of Kenya for 1944.

By THE ACTING DIRECTOR OF PUBLIC WORKS (MR. WALMSLEY):
Public Works Department Annual Report for 1944.

By MR. TROUGHTON (ECONOMIC AND DEVELOPMENT SECRETARY):
Interim report on development.

By MAJOR CAVENDISH-BENTINE (NAIROBI NORTH):

Memorandum and articles of association of the Uplands Bacon Factory (Kenya), Ltd.

ORAL ANSWERS TO QUESTIONS

No. 16.—BU Bul SETTLEMENT

MR. VINCENT (Nairobi South):

What action does Government propose to take regarding the unauthorized "settlement" known as Bura Bura which is apparently developing 12½ miles from Nairobi in the Ngong district?

CHIEF NATIVE COMMISSIONER (MR. MARCHANT): The Government is aware that the "Bul Bul settlement" in the Masai Native Land Unit has some undesirable features and has already taken steps to ensure closer police supervision. 2. Further arrangements for the better control of villages such as Bul Bul are under consideration by Government.

No. 28.—AERIAL SURVEYS

ARCHDEACON BECHER (Native Interests):

While facilities still exist in this country for making aerial surveys, will Government please approach the military authorities with a view to having such surveys made, particularly of the native land units, in order that the task of soil conservation in particular and other matters concerning the advancement of the African population may be thereby facilitated?

COMMISSIONER FOR LANDS AND SETTLEMENT (MR. MORTIMER): It is scarcely correct to say that facilities for aerial survey exist in this country at present. The R.A.F. has no aerial survey flight stationed here, and whilst the R.A.F. has willingly co-operated in carrying out specific aerial photography services these have not necessitated some measure of improvisation. Except for certain special purposes aerial photographs are not of much value unless they are reduced to a line map. This requires much ground survey and office work for which neither survey and office work for which neither survey and office work for which neither survey and office work for which neither military nor civil staffs are available at present. Close touch will be maintained between the Government and the military authorities with the object of ensuring that the best use will be made of such facilities as are available.

No. 29.—EDUCATIONAL EXPENDITURE.

MR. PAROO (Eastern Area):

Will Government please state what has been the net educational expenditure, not counting the administrative expenditure, involved during the year 1944 (a) per European child studying in the Colony, and (b) per Indian child studying in the Colony?

THE DIRECTOR OF EDUCATION (MR. FOSTER): The net educational expenditure, including administrative expenditure, in 1944 per European child is Government Indian schools was £23-6-6, and per European schools was £15-3-0. Detailed particulars in respect of aided and private schools are

(Mr. Foster) not available but a sum of £125 was expended on grants to European schools and a sum of £11,965-18-84 on grants in aid of Indian schools.

No. 30—AFRICAN EDUCATION
MR. MATHU (Native Interests):

- Will Government please state—
- the estimated number of African children of school age;
 - the number of African children attending schools;
 - the *per caput* cost to Government of African education in any one particular year;
 - the percentage of literate Africans on the whole African population; and
 - the number of Africans with matriculation certificate or its equivalent?

MR. FOSTER: The latest available figures are those for the year 1943. They are—

- 718,000.
- 134,185.
- Including a proportion of administrative charges, the *per caput* cost to Government of African education was Sh. 12/25.
- No accurate estimate can be given.
- At the end of 1943 there were seven Africans in Kenya with matriculation certificate or its equivalent. The hon. member is no doubt aware that a pass in the Cambridge School Certificate does not necessarily entitle the holder to exemption from matriculation and that such exemption is not required for entrance to Makerere.

No. 31—AFRICAN MEDICAL OFFICERS
MR. MATHU:

Is Government aware that there exists great dissatisfaction among African Medical Officers on account of their not being licensed under the Medical Practitioners and Dentists Ordinances as done in the neighbouring territories, and will Government please introduce the necessary legislation to enable African Medical Officers to be licensed if existing legislation disallows this?

THE ACTING DIRECTOR OF MEDICAL SERVICES (Dr. Lockhart): An amendment to the Medical Practitioners and Dentists Ordinance providing *inter alia* for the licensing of African Assistant

Medical Officers holding the qualification in medicine granted by Makerere College is at present under consideration by the Government.

No. 33—CONSCRIPTED LABOUR
MAJOR KESNER (Trans Nzoia):

Would Government state: (1) How many natives have been conscripted under the Defence (African Labour for Essential Undertakings) Regulations, 1944; (2) how many of these conscripted natives have deserted; (3) how many of these deserters have been apprehended and charged?

MR. MARGIANT: Up to 31st March, 1945 (1) 20,097; (2) 1,780; (3) 407 deserters have been traced. It is not possible to say how many of the 407 deserters have been charged as the Labour Department do not keep a record of what happens to them after they have been traced.

No. 36—AFRICAN OUTPATIENTS
ARCHDEACON BEECHER:

Will Government please state the present staff available each day to examine and treat African out-patients at the Government Dispensary, Nairobi, giving details of that staff, and the average daily number of patients treated by them? (b) In view of the distance of the Kiambu hospital from the southern part of the Kiambu Reserve and of the fact that, in consequence, and as a result of easier transport facilities, numbers of Africans from South Kiambu attend the Nairobi dispensary, will Government please consider making increased facilities available for the treatment of African out-patients at that dispensary?

DR. LOCKHART: (a) The staff available to examine and treat African out-patients at the General Dispensary, Nairobi, is one Nursing Sister, three Sub-Assistant Surgeons, one European Dispenser, two Asian Compounders, two Hospital Assistants and eleven Dressers, one Dental Surgeon; and in the eye department, one Ophthalmic Specialist and one Nursing Sister. There are about 200 new cases and 300 re-admittances daily.

(b) It is intended to erect a new General Dispensary at Shauri Moyo. The building is now being designed and will be erected when possible. The existing dispensary should then be sufficiently large, and in the meantime it is hoped to avoid having to add to the present dilapidated premises.

No. 37—LEFT-HAND DRIVE

MR. COOKE (Coast):

In view of the narrowness of most of the roads of Kenya and the indifferent skill of many of the drivers, will Government prohibit after the war the use of motor vehicles with a left-hand drive? If the answer is in the affirmative, will it take steps to see that as few as possible reconditioned lorries of that nature are put on the market at the present time?

MR. WALMSLEY: The Government is not prepared to undertake to prohibit the use of motor vehicles with a left-hand drive after the war, but will consider issuing instructions then that all such vehicles shall be fitted with an adequate rear-vision mirror and with mechanical indicators.

No. 38—SECRETARIAT WAITING-ROOM
MR. COOKE:

In view of the long delays that daily occur to those awaiting interviews, will Government at once provide at the Secretariat a waiting-room with reading, writing, and other customary facilities?

MR. SCARBOROUGH: It is hoped that it will be possible to provide at the Secretariat a waiting-room with the necessary amenities early in May, but it may be found that this facility will have to be withdrawn at short notice since the available accommodation in the Secretariat at present barely suffices for the needs of the staff.

No. 40—CENSUS

MR. PRITAM (Western Area):

As it is difficult to estimate even approximately the non-native population of the Colony and Protectorate of Kenya, will Government please ascertain, for the purpose of enumeration, from the Central Commodity Distribution Board, full particulars of European and Indian residents to whom ration cards have been issued, and thereby save considerable sums of money by doing away with a census which, though already overdue, is difficult to undertake in present war conditions?

MR. THROUGHTON: Full use is being made of the records of the Central Commodity Distribution Board for enumeration purposes. The assistance of these records will not, however, obviate the necessity for a non-native census as they

do not provide all the information required, and in particular do not indicate the distribution of the population. It is accordingly proposed that a general census shall be undertaken as soon as possible after the end of the war.

No. 42—HAWKERS' AND TRADING LICENCES

MR. PRITAM:

(a) As there has been an abnormal increase in the number of hawkers in certain areas of the Rift Valley Province, and more specifically in the Nakuru district, will Government please state its reason for not imposing restrictions on the issue of hawkers' licences in the same way as was done in the case of traders on whom restrictions were imposed under Defence Regulations which are still in force? (b) Having regard to the depressed trade conditions at small townships and trading centres will Government please cause the necessary instructions to be issued that holders of hawkers' licences do not congregate at such townships and trading centres to the detriment of established trade and, further, will Government also see that under no circumstances that a hawker's licence is used as an alternative to a trader's licence which is so very difficult to obtain at present?

MR. THROUGHTON: (a) When restrictions were placed on the issue of traders' licences as a war measure, it was not considered necessary to place a similar restriction on the issue of hawkers' licences as hawkers trade to a large extent in local produce. The question of the desirability of imposing such a restriction has been referred to the Trade Advisory Committee.

(b) A hawker's licence authorizes the holder to hawk goods within the administrative district specified in the licence and no power exists to exclude any township of trading centre from the district which is covered by the licence. The Government has therefore no legal sanction for giving effect to the first proposal in this part of the question.

A hawker's licence cannot be used as an alternative to a trader's licence as the former authorizes the holder to offer or expose goods for sale, barter or exchange elsewhere than at a fixed place, while a trader's licence authorizes the holder to sell goods for purposes of profit in a store.

No. 43—CEMETERIES AND CREMATORIA

MR. PRITAM:

At several small townships and trading centres situated in the native reserves as well as in the settled area, no sites for cemeteries and crematoria have been allotted. Will Government please inquire into the matter and provide the necessary sites at the earliest possible date?

MR. MORTIMER: If the hon. member will supply particulars of the townships and trading centres to which he refers the situation will be examined.

No. 47—EDUCATION FEES AND INCOME TAX

MR. BOWEN (Uasin Gishu):

In view of the considerable increase in the cost of education generally in recent years and of boarding fees in Government schools since 1st January, 1945, in particular, and that there must be some relation between the cost of educating a child and the income tax allowance for the child, will Government please state if it is prepared to consider an increase in the income tax allowance for children?

MR. TESTER: The question of increasing the income tax allowance for children is receiving the consideration of the Government in connexion with the review of post-war taxation.

The hon. member will be aware that machinery exists for the remission of school fees in cases of hardship.

BILLS

FIRST READING

On the motion of the Acting Attorney General (Mr. Brown) the following Bills were read a first time:—

The Local Government (Municipalities) (Amendment) Bill.

The Central Roads and Traffic Board (Amendment) Bill.

The Pig Industry Bill.

The Uplands Bacon Factory (Kenya), Limited (Constitution) Bill.

And notice given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 2nd May, 1945.

Wednesday, 2nd May, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 2nd May, 1945. His Excellency, the Governor (Sir P. E. Mitchell, G.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 1st May, 1945, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 34—KENYA POLICE

ARCHDEACON BEECHER:

(a) Will Government please indicate the stage reached in the investigation of the possibility of improving the terms of service of the Kenya Police, and in particular of its African members?

(b) Is Government aware that Police training and Police methods are such that the Kenya Police no longer enjoy the full confidence of the general African public by whom they are regarded with a measure of mistrust owing to incidents which are interpreted as being of the order of petty persecution, together with varying degrees of unnecessary inconvenience, and, in some cases, the use of methods described as approximating to those of *agens provocateurs* which European Superintendents and Inspectors find difficult to check?

(c) Will Government please take steps to secure any necessary improvement in Police training and methods?

(d) To what extent is it considered that the circumstances mentioned in the second part of this question are connected with dissatisfaction in the Police Force itself with their terms of service?

MR. BROWN: With regard to the first part of the question the hon. member is referred to the *communiqué* on this subject which was issued on the 11th of April.

With regard to the second and third parts of the question, the Government is unaware of any aspect of Police training which is likely to be conducive to the occurrence of incidents of the nature mentioned. It is realized that the more stringent administration of various measures designed for the prevention of crime which has recently become necessary may on occasion cause inconvenience

(Mr. Brown)

to certain members of the public, but the Government is not in possession of any evidence indicating that the Police no longer enjoy the confidence of the African public generally. The importance of maintaining this is, however, fully appreciated and is being borne in mind by the Commissioner of Police in the formulation of his training programme. With regard to the incidents alleged to have taken place it is suggested that details of specific occurrences should be furnished in order that inquiries may be made.

With regard to the last part of the question, while some dissatisfaction is known to exist with the present terms of service, no evidence is available to suggest that this dissatisfaction is expressing itself in conduct calculated to cause deterioration in the relations existing between the Police and the general public.

No. 35—DEVELOPMENT PLANS

ARCHDEACON BEECHER:

(a) Will Government please state what steps were taken to consult with unofficial opinion in the drawing up of District Five-year Plans?

(b) Is Government aware of a sense of deep disappointment among responsible Africans that they were not consulted in this matter which affects them so intimately?

(c) Will Government please take steps to see that unofficial African opinion is made aware of the nature of District Five-year Plans, and if necessary, that such plans are amended in the light of that consultation and its results?

MR. THORNTON: (a) In many districts steps were taken to consult with unofficial opinion both in the form of meetings and direct consultation with such individual officials as District Commissioners felt were in a position to give useful advice. Detailed information regarding the answer to this part of the question has been obtained from each District Commissioner, and I shall be happy to furnish it to the hon. and venerable member afterwards if he so desires.

(b) The answer is in the negative.

(c) The answer is in the affirmative. The substance of district plans has already, in a number of cases, been communicated informally to local native

councils and will be communicated in other cases. If any local native council expresses the view that amendment of the district plan is desirable, the District Commissioner is at liberty to make such amendments as he thinks fit. Any amendments so made will be borne in mind when the district plan is being considered by the Development Committee.

No. 41—WAR BONUS

MR. PRITAM:

Is it a fact that no increased cost of living allowance is being paid to Government temporary staff, if so, Government please reconsider its decision since the increased cost of living affects temporary employees in the same way and to the same extent as it affects the permanent staff?

MR. TESTER: An increased cost of living allowance termed "war bonus" is paid, either in cash or in kind, to all African temporary employees of the Government serving on a monthly basis.

As regards European and Asian temporary Government employees, war bonus is, generally speaking, not granted because their substantive salaries are, unlike those of the permanent staff, fixed at rates which include an element in respect of the increased cost of living. Heads of Departments have, however, been authorized to submit recommendations for the grant of war bonus in individual cases of serious hardship; in considering such recommendations, the Government has regard to the relationship of the salary paid to the salary which would be payable on a permanent basis.

In view of the above the Government is not prepared to reconsider its decision.

No. 44—AFRICAN PROVIDENT FUND

ARCHDEACON BEECHER:

Will Government please state what progress has been made towards the establishment of a provident fund facilities for servants of local native councils and for teachers in schools aided by those councils through district education boards? Will Government please undertake to expedite the matter and, if necessary, grant financial assistance to those councils to enable them to give the same degree of retroactivity as was granted in the terms of the Government Staff Provident Fund?

MR. MARCHANT: (i) The necessary legislation to provide for the establishment of provident fund facilities for servants of local native councils and for teachers in schools aided by those councils through District Education Boards, will be prepared by the Acting Attorney General as soon as possible. (ii) No decision has yet been taken in regard to the degree of retroactivity, if any, which will be granted under the proposed legislation but the point will be decided before the legislation is published.

ARCIDEACON BECHLER: Is Government aware that the very serious decay which has taken place in the preparation of that legislation has had serious repercussions on the staffs themselves?

MR. MARCHANT: Government is aware of a certain amount of dissatisfaction, and the matter is under consideration. (Laughter.)

MR. COULDRAY: Arising out of that reply, is Government proposing to do anything in the matter immediately?

MR. MARCHANT: I think the answer is contained in the reply already given.

NO. 46—RENTAL AND SLEEPING ACCOMMODATION REGULATIONS

MR. COOK:—

With respect to the Defence (Control of Ground Rentals at Mombasa) Regulations, 1943, and the Defence (Native Sleeping Accommodation) Regulations, 1942, will the Government state (a) the number of prosecutions under these Regulations, (b) the number of convictions, (c) the extent of the fines and/or imprisonment inflicted?

MR. MARCHANT: (a) Nil, (b) and (c) do not, therefore, arise.

No prosecutions have been instituted as no complaints have been made to the Police.

A few complaints have, however, been dealt with and settled administratively.

MR. COOK: Sir, in view of that may I ask a supplementary question? In view of the fact that complaints have been made to various Commissions, will Government see that the regulations are tightened up and every step taken to see that that is done?

MR. MARCHANT: The proper authorities will be so advised.

NO. 48—BOARDING FEES

MR. BOWLER:—

Will Government please give an analysis of the charge of £60 per annum boarding fees at European Government schools under the following heads: (a) recurrent cost of boarding per pupil, (b) personal emoluments, (c) boarding equipment and stores, (d) other charges, (e) amount charged in respect of use of buildings?

MR. FOSTER: It is not possible to give the figures in the exact form desired by the hon. member, but if items (a) to (d) are taken together, the total recurrent cost of boarding per pupil at the European Government schools in 1944 was £48-1-73. This is divided as follows: (1) Personal emoluments, £9-4-38; (2) boarding equipment and stores, including food, £30-10-58; (3) other recurrent charges, including a proportion of administrative expenses, £8-10-77.

With regard to item (e), no fixed sum is charged in respect of the use of buildings. In 1938 it was calculated that the cost per head of the average annual charges in respect of interest and sinking funds on Colonial Loans, together with Government's contributions to the Provident Fund, amounted to £17-1-57. Since the war broke out, almost all new buildings have been erected out of general revenue and it is not possible to give really accurate figures for the cost per boarder per annum. It appears probable, however, that such a figure would be at least equal to the 1938 figure.

NO. 52—AFRICAN SOLDIERS' GRATUITIES

ARCIDEACON BECHLER:—

Arising out of the recently published proposal for the award of gratuities to African soldiers, according to which members of the E.A.M.L.S. receive gratuities based on a scale varying from Sh. 2 to Sh. 4/50, while members of other units receive gratuities based on a scale varying from Sh. 3/50 to Sh. 6, will Government please approach the military authorities with a view to securing that a uniform scale as applied to all serving Africans irrespective of unit, and varying only in accordance with rank?

MR. SURRIDGE: No, Sir. The East African Governments were consulted by means of the Inter-Territorial Standing Demobilization Committee before these

[Mr. Surridge]

were adopted. The reasons for the lower rates for E.A.M.L.S. as compared with other units are:—

(1) Members of the E.A.M.L.S. are only employed within the East Africa Command and are not required to serve outside that Command.

(2) Gratuities are related to rates of pay which are lower in the case of E.A.M.L.S. than in the case of other units.

MR. BECHER: Arising out of the reply, may I know whether European officers serving with the E.A.M.L.S. will be similarly treated or receive gratuities on the same basis as officers serving with other units?

MR. SURRIDGE: I have not the information at the moment, and if the hon. member will give me his question in writing I will endeavour to answer it.

SCHEDULE OF ADDITIONAL PROVISION NO. 3 of 1944

MR. SURRIDGE: Your Excellency, I beg to move that the Standing Finance Committee Report on Schedule of Additional Provision No. 4 of 1944 be adopted. There is a summary on page 1 of the Schedule which explains the position very clearly and I would also explain that each item on this Schedule has been passed by the Standing Finance Committee.

MR. TESTER seconded.

The question was put and carried.

PENSIONS

MR. TESTER: Your Excellency, I beg to move:

(a) That this Council approves the payment of a pension at the rate of £305-16-4 a year, with effect from 12th August, 1945, inclusive, to Mr. George William Clochey, formerly storekeeper, Veterinary Department, in respect of his service from 1st September, 1919, to 11th August, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £1,152-9-2 which reverts to the general revenue of the Colony.

(b) That this Council approves the payment of a pension at the rate of £229-3-4 a year with effect from 5th June, 1945, inclusive, to Mr. Norman Yeatman Kilminster, formerly assistant accountant, Public Works Depart-

ment, in respect of his service from 21st July, 1924, to 4th June, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £890-17-11 which reverts to the general revenue of the Colony.

(c) That this Council approves the payment until further notice of a provisional interim pension at the rate of £46-11-6 a year with effect from 6th July, 1945, inclusive, to Mr. Manibhai Dhorabhai Patel, formerly Asian assistant master, grade III, Education Department, in respect of his service from 4th January, 1932, to 5th July, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £284-17-4 which reverts to the general revenue of the Colony.

(d) That this Council approves the payment until further notice of a provisional interim pension at the rate of £53-17-1 a year with effect from 16th November, 1945, inclusive, to Mr. Dalip Singh Rao, formerly assistant Inspector (Asian), Police Department, in respect of his service from 1st April, 1929, to 15th November, 1945, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting in all to £296-8-9 which reverts to the general revenue of the Colony.

In each case these pensions are calculated on the same basis as those which this Council has passed on many previous occasions, and the service has taken place in circumstances which have previously led Council to approve pensions on this basis. I therefore recommend them to Council for adoption.

MR. BROWN seconded.

The question was put and carried.

HYDRO-ELECTRIC DEVELOPMENT

MR. COULDRAY (Nyanza): Your Excellency, I beg to move: That this Council request the Government as an essential part of any development scheme, to examine the hydro-electric potentialities of the country or any other possibilities which might ensure a supply of electric current throughout the Colony at the lowest possible cost to the consumer.

I do not think that this motion need take up very much of the time of the

[Mr. Coudrey] Council, it is really non-political, certainly non-racial, and I am raising it entirely on the economic and financial aspect. It is, in fact, so non-contentious that the question may be asked "Why is it necessary to bring in a resolution of this nature at all? Would it not have been better to ask a question and get a reply from Government", or possibly ask for an interview with you, sir, and get an assurance from you that you would do as this motion requests? Of course, I cannot for one moment believe that Government would do anything but accept this motion. That would have been the course I would have taken had it not been for one thing, and that is the fact that a body has been appointed to examine all the development proposals of this country, and that body has made an interim report; it was published on the 4th April. Directly I saw that report I realized that a motion I touched in the terms as this appears on the order paper was absolutely essential. This is, of course, merely an interim report, and it would be very unfair to try and visualize or to judge the completed picture by a preliminary sketch, but if anybody will read through this report they will immediately see that, as far as those people who are charged with formulating schemes for the development of this country are concerned, they have shown no indication whatsoever that they are aware that an examination into the electric potentialities, or even making available the electric potentialities, are in any way essential to development. I must therefore take up a little time of the Council to endeavour to prove to you that it is absolutely essential. In fact, next to the provision of water it is the most essential thing in the country.

When we talk about development, quite rightly those charged with studying that matter have first laid down what are the objects of development. They have laid it down clearly in their report, and I agree with them. They say in effect that the object of development is to raise the national wealth so as to give a much higher standard of living to the great majority of people, who in this Colony, of course, are the Africans. I cordially agree with that definition of their object, and I think everybody in this Council will. But when you start talking about the development of the Country, I think the

first thing to do is to look facts fairly in the face as to conditions in that country. I will not take up too much of your time, but here we have a country on the equator. The most productive part of it is probably between 300 and 500 miles away from a port, which in itself is a bit of a handicap it is true, and my hon. friend the Member for the Coast will no doubt rise to his feet eventually and say that there is a productive strip at the coast, but, as a generalization, the most productive part of the country is 300 to 500 miles away from a port. The coast can produce, but it is not fair to take it as indicative of its productivity that 40 or 50 electors there can produce a member for this Council! (Laughter.) (Mr. Cooke: 120) What have we got in this country? It is a country subject to drought. It has at the best an erratic and an ill-distributed rainfall. As this report points out, it must be considered a poorly watered country and, in my opinion, possibly due to the fact that we are on the equator, our soil is peculiarly susceptible to erosion and desiccation. Anyhow, the fact remains that in the last few years erosion has set in to such an alarming extent that it will cost us millions of capital expenditure and a great deal of recurrent expenditure to put it right.

That, I think, very briefly, of course, is a picture of this country as we have it. The Development Committee have taken that picture, and what have they advised? They have advised—in fact, it is the whole thesis of their report, the overriding thesis—that everybody must work more, that everybody must produce more, in order to make more wealth out of the soil, send it down to Mombasa, and export it. Nobody is going to quarrel with the theory that everybody must work more. But I do submit, sir, that very few of us—and I hope none when I have finished speaking—will agree that the whole of our efforts must be concentrated on the land. What I am trying to prove is that we must concentrate our efforts on other means of raising the national wealth. After all said and done, this is no new theory, it is no new theory that the wealth of a country must be based on agricultural exports. That is exactly what the Bowring Committee recommended in 1922, and you know the result. Thousands of acres in the native reserves and settled areas were ploughed

[Mr. Coudrey] up and planted with maize, hundreds of thousands of bags were railed down the railway to Mombasa. When the price became bad, every bag that left Mombasa took with it some of the real capital of the country, the fertility of our soil.

It is necessary, I think, to look to where this idea would lead us that nearly all our efforts must be concentrated on agricultural exports. There are two points I want to make. First of all, is there any country in the world which has ever built up a high or even a reasonable standard of living on an economy based purely on agricultural exports? I do not believe there is. It is always unsound to draw analogies from other countries because conditions are very seldom analogous. But if we may take Denmark, which is always held up as being the most highly organized country, I find on examination that up to 1938, before the German occupation, only 37 per cent. of the national wealth of Denmark came directly from the land; the rest of the wealth came from processing the products of the land, from light industries, from the tourist traffic, shipping, and all the other many forms of industry which go to make up a well-balanced economy. There is no need for me to stress, I think, that as long as you are tying your national wealth to the export of raw products you are tying your wealth to the yoke of world markets. Nobody knows what they will be like in five or ten years; nobody even knows what the rise and fall will be. If we did know that, I submit there would be no need to work at all other than sending a few telegrams to our brokers, and we should not need a man like you, sir, to govern us but the best market-manipulator we could find from Liverpool, New York or Chicago because all he would have to do would be to gamble on futures.

Actually, what the Development Committee has done, as is indicated by the interim report, is not to plan for development but to gamble on hopes that when the post-war production boom is over, for some reason or other, possibly because a few gentlemen at Hot Springs said so, the age-old laws of supply and demand will cease to operate, and no matter what the consumptive capacity of the world will be it will be able to absorb all the production of the world at a price which will give this Colony a chance materially

to increase the standard of living of its nationals. I submit that is at the best a gamble, and in my opinion a poor gamble. If you admit that, if you agree that it is unwise to tie this country to one form of industry only, then the inescapable fact arises that we have got, if we are serious in wanting to raise the standard of living of the African, to look for other sources of revenue. What other sources can we find? There are three that immediately bring themselves to our notice. One is mining, another is secondary light industries, and the third the tourist traffic, and I submit, and I do not think I need to stress the point too much, that nothing could assist the furtherance of these industries that I mention more than the provision of ample electric current at an economic rate. My mining friends tell me that nothing would assist their industry more than to know that they could get electric power at reasonable rates. Regarding the tourist traffic, it must be obvious that this is an age of electricity, and if we are to attract tourists we must provide them with all the amenities that electric current can give them. As regards industries which in my personal opinion have never been properly exploited or assisted in this Colony, there is no doubt about it they must have electric power.

Look at the position. We have got today according to this report, an increasing population. Nobody knows what the population is, but put it at four millions. It is not unreasonable to suppose that in 25 or 30 years that population may be doubled, and it is pretty obvious that the pressure on the land will be more and there will not be the land to give them occupation. We have got to get away from the idea that everyone in this country must be turned either into an agricultural labourer or a peasant farmer. Now, sir, when we start talking about industries, anywhere else—except in Nairobi or possibly Nakuru or Mombasa, where there is power to hand though not at very economic rates—I means cutting down a tree. That is the only fuel we have. We have no coal or oil or gas as far as we know, and in practice it means cutting down a tree. Now, partly owing to nature, and partly owing to the parsimonious forest policy over the last few years, our forests are already inadequate to supply the

(Mr. Couldey)

need of four million inhabitants. What is it going to be if they have to supply the needs of eight millions of natives, as they may have to do one day? No, we must examine every channel there is to try and provide cheap power.

When you start thinking on these lines you immediately do as the Development Committee have done, examine what is perhaps the greatest social and economic experiment of modern days, the Tennessee Valley Authority's efforts. The Development Committee have done so, although I think they have only appreciated about half the achievement of that body and have failed entirely to learn the lesson. The big achievement of the Tennessee Valley Authority, and it was a tremendous achievement, is not that they got hold of a rebellious river and harnessed it to the will of man and were thus able to sell power and water at a cheap rate. That was a great success, but the really great achievement of that Authority was that they took a derelict valley and they rehabilitated it for the people and put the people themselves in the position of getting all the social and other services that they wanted. It is necessary to realize that, because I believe that should be the principle of all our planning. The principle of all our planning should be not the immediate effect of getting a little more £ s. d., but building up the country for the people. If we wanted to stress this, I would here call your attention to this report of the Development Committee.

They have in the future, and I do not envy them their task, to examine many proposals for development amounting to an expenditure of about 18 million pounds, six millions of those proposals—they are only proposals, of course—are to provide more social services, and £100,000 is devoted to encouraging industry! Nobody would like more than I would to spend six million pounds on social services, we would all like to do it, but those services are going to bring in their train a tremendous recurrent expenditure. And where is the money to come from for that expenditure? This committee says—it is only an interim report, they may have other ideas they have not told us of—that we have to get it out of the land. Now, sir, I do not believe that we can be too greedy with this land in Kenya. I believe that there is a very

delightful limit to the amount of wealth we can extract from it. I believe that if we go on taking money out of the soil, taking wealth out of the soil, we shall run a big risk indeed of destroying the real assets which are producing that wealth. I do not believe that in Africa generally and in Kenya in particular that, except in pockets, there is a great deal of land capable of intensive cultivation. There is a certain amount of such land, but relatively speaking the amount is very small, and if it were our only hope of development I should despair of it and cut my losses and get out. Of course we must explore other means.

There is one lesson to be learnt from this Tennessee Valley Authority, and that is to think big. There must be some figure, some sum by the expenditure of which we could get electric power over the whole or a greater part of this country. It may be a big sum, I do not think that matters. I do not believe we can think too big. Any plans we formulate, any schemes we advocate, will have to be submitted to the cold gaze of the Colonial Office and the British Treasury, and we can safely leave it to those institutions to do all the damping of our enthusiasm that is necessary. I say, let us have the width of vision and let us leave it to other people to narrow that width, if indeed it has to be narrowed. When you start comparing this country with other countries—and I have done it very exhaustively as regards that Tennessee Valley report—you find that our problem is both greater and smaller than that of the Tennessee Valley Authority. It is true we cannot harness a big river—we have not got a big river to harness—but on the other hand we also have advantages. We have to compete with none of the vested interests which thwarted the Tennessee Valley Authority at every turn. I think they had over a thousand law suits. We have no ghost towns to revive; we have not got to knock down before we can build up. We have in fact a virgin field, and although there are no great rivers—of course there are rivers and there are waterfalls—I have here a document of which I know the hon. Economic and Development Secretary has a copy, which proves, or alleges to prove, that with an expenditure of £1,300,000 only we could generate power which would provide for a great deal of the native reserves and

(Mr. Couldey)

of the Highlands. I will go into details because I am not competent to speak on technical matters, but there are schemes and those must in my opinion be investigated.

In my resolution I have asked that we should have an expert to examine the hydro-electric potentialities or any other potentialities—I put that in purposely because although I am not competent to speak on the subject with any authority (although I suppose I am as competent as any hon. member sitting in this Council) there are other means of developing electricity other than hydro-electricity. There is what is known as thermal-generation, and that has its advantages as well as its disadvantages. Only last week a man who is generally recognized in this country as being the most experienced electrical expert, called on me. He knew I was going to move this motion and I started arguing—not arguing perhaps but asking, because I had not even the little knowledge which is dangerous—about the difference between thermal and hydro-generation, and he said the real advantage of hydro-generation was a strategic one. He pointed out that had the war gone against us, had we been cut off from the rest of the world, both the Mombasa and Nakuru installations would have had to close down entirely and the Nairobi installation for half a year because of course we could not import the necessary raw materials. In any case the generation of electricity is never the most expensive part of an electrical system. If you will take Nairobi as an example, it is not relatively a very big district—I know no Nairobi person will agree but it is not—only one-third of the capital expenditure in providing Nairobi with electric current and power has been devoted to generating electricity; the other two-thirds has been expended in transmitting and distributing it. And so I do want, if you agree to this resolution, as I am sure you will, I do want it to be on record that we do not only want the hydro-electric potentialities investigated.

There is just one small point before I sit down. I have said that this country has no great vested interests to compete with. Of course, at the moment all the generation and transmission of electric current and power is in the hands of a public utility corporation in the form of

the East African Power and Lighting Company, and that may one day raise a hurdle which we shall have to negotiate. I believe and I always have believed—not always, but I have believed since I have grown up!—that the modern state should own and operate its own public utility services, but in a country like this in its pioneering stage there is something to be said for the argument that it is more economic and possibly more effective to leave the pioneering to a public utility company, properly safeguarded, whose profits were properly controlled. As I say, that is not a hurdle which has got to be negotiated at the moment, but I do mention it because so many people have written to me on the subject, and I would ask that when we do get an expert or a team of experts that they will be asked as quite a small part of their duties to give us their advice as to which would be the best system to pursue.

There is one more point in which I know that this resolution fails miserably: I am perfectly aware of it, I know that what I should have asked for is that this investigation should be on an inter-territorial basis. It is pretty obvious that, although we may continue to administer these territories in watertight compartments politically, you fall miserably if you try to develop them economically on those lines. After all its said and done, rivers, mineral wealth, hydro-electric potentialities and so forth were no parties to the agreements fixing these arbitrary boundaries and they do not respect them. As a matter of fact, as far as a layman can see, the most attractive hydro-electric potentialities lie outside our boundaries, the Nile at Jinja, which I am informed provides almost unlimited hydro-electric potentialities and which is only 85 miles from our border, and the Murchison Falls, 255 miles away, would provide even more. While, of course, as far as Tanganyika is concerned they have the Pangani Falls. But I have to deal with facts as they are, and it is not competent for this Council to pass a resolution which will be binding on the other territories, and so all I can ask is that this motion will be accepted, I trust unanimously, and that it will fortify your hand, Your Excellency, if your hand needs fortifying, to say to the other Governors "This is not a purely local Kenya problem; it is an East African problem". (Applause.)

MR. VINCENT: Your Excellency, I have pleasure in recording the motion before Council. The mover has covered the ground very extensively, and all I wish to do is to give you a brief picture of the application of the idea to this country as a whole, including every community. The original reason why I welcomed it was because there has just recently been an inquiry into the Nairobi water supply, and we have had various statements made by experts which rather led us to believe that water conservation schemes on any great scale are probably beyond the natural formation of this country. However, I am not discouraged, but I do want to feel certain—and I am certain the Economic Committee also would feel the same—that when any large water scheme is considered it should be associated with the possibilities of hydro-electric power, because by placing a reservoir or dam in a certain position it may have advantages from the water supply point of view, but owing to the great length of transmission it may be quite wrong from an electrical point of view. I throw that out as an idea because it must in the interests of economy be considered as one problem.

As far as the Interim Development Committee report is concerned, to which the hon. mover has continually referred, I agree entirely that it deals principally with what we have in this country at present in the first instance, and as has been stated by the mover, I do not consider it was anything but a attempt to show how the Committee were thinking, and I believe this report was intended to bring forth criticism to assist to outline what further reports should embrace. My opinion of this interim report is that it is a businesslike document and in one or two respects I consider it even courageous, judging it by the standard of some other Government reports I have seen. (MR. COULSON: A low standard.) May be, briefly, we cannot run the risk of an unbalanced economy. Whatever view you take of this country or any other country you must take the business view. You must try and run this country as a business, because everything falls if your finance fails and therefore in dealing with anything connected with the country I always try and take that view. Officials naturally take the view they have been trained to take over a period of years,

but I claim that whatever view you take you must take the long view and therefore you have to divide this country into various departments.

You have your agriculture and animal husbandry, which we have with us at the moment; you have mining and secondary industries associated closely with primary products; you have industrial development, which may be a little way off because of the absence in this country, so far as we know, of some of the essential basic materials; and then, of course, you have the tourist industry. The first two are entirely dependent, or not entirely perhaps, but to a great extent dependent upon the cheapest possible power, and I believe that in studying this country and in asking the experts to come here you have to take the long view in order to be certain that your ultimate result is going to be right. You cannot have an unbalanced business, so that if one department fails the whole business fails, and although it may cost money, although it may take time, there is no doubt that we have got to examine very closely what we can manufacture in this country for our own consumption and for export from the basic commodities produced in this country. (Hear, hear.) You have in South Africa and in practically every other country in the world, to give you a very simple example, foods manufactured from grain grown in that territory. We in the past, as was ably pointed out by the hon. mover, have just taken our products to the coast and let the world do the manufacturing. I believe we are losing great possibilities in not carrying out the closest research into what is made from wheat and maize and barley and every other type of grain which we produce in this country, and it may be that we can offer advantages, one of which basically must be cheap power, to English manufacturers in exactly the same way as the Union of South Africa has done. But we should not make the mistake as has been made in the case of one particular industry which was encouraged to come here, and I make no apology for mentioning it. That is Liebig's. They came here, they did not get the basic essential of the cheapest possible electric power, nor have they been given from this territory the product to manufacture. And I go further than that, if you will allow me, sir, and say that we are in grave danger of losing a great industry unless

[Mr. Vincent]

we see that the products are made available to them, and that they do not have to rely almost entirely on products coming from the neighbouring territories to keep their industry going.

Everybody, unfortunately, when talking about trade or commerce, thinks that the only object you have is to make money. That that is true in most cases I will not deny, but there are some of us, a great number of us, engaged in trade or commerce who take the long view. It has been our life's training, and therefore we are most anxious to do everything we can to assist Government with any ideas that we have in order to try and "balance up" this asset of Empire. From the communal point of view, the hon. mover lightly touched on the question of absorbing portions of the various communities in industry. Well, naturally, the shift from agriculture as such is nothing new, it has happened in other parts of the world and, in fact, quite a small proportion of the world's population have remained agriculturists under modern conditions; and, further, if we are going to overcome one of our greatest social difficulties we must encourage industry in whatever form we can, in order to absorb those individuals who do not wish to continue in agriculture, who have no bent for it at all, and who wish to earn their livelihood in industry. We are now talking a great deal about the necessity of rehabilitating the native reserves, but had we had the finance and thus the advantage of being able to plan the development of this country as an asset years ago, with a balanced economy, we should not have the problem in its magnitude which exists to-day.

So, therefore, I think we must take the long view. We have got to make it quite clear to those who administer the Colonial Development and Welfare Act and also our own financial experts in this country that we have got to develop cheap power as a basic necessity for the whole of the communities of this country. Having done so, we must then carry out the most intensive research into secondary industries and heavy industries so that we may logically and confidently plan so that the ultimate result can only be to the benefit of the whole country. (Applause.) I beg to second.

MR. SHAMSUD-DEEN (Central Area): Your Excellency, on behalf of the Indian

election members I rise to support the motion before Council. I do not think it is a controversial subject, and there cannot be two opinions about the matter, but we in this Colony ought to give a lead, or at any rate express our opinions, in unequivocal terms that the time has now arrived when we should explore all avenues and investigate all potentialities and make use of the natural resources which may be in this Colony or the neighbouring colonies. There is a river which is a natural source for this supply quite close to the border of this country, and although I think it should have been done by Government many years ago the time is now overdue when its use ought to be investigated.

MR. TROUBERT: Your Excellency, it perhaps save time if I intervene at this stage and say that I have Your Excellency's authority to announce that Government unreservedly and wholeheartedly accepts this motion. (Applause.)

The hon. member for Nyanza has largely been preaching to the converted, because the Government for some time past endeavoured to arrange for an investigation of the type that he mentions, but unfortunately it was not then possible to obtain an investigative or investigators with the necessary technical qualifications, but it appears that the chance of getting such a person or persons is now much better, and the Government entirely agrees that such an investigation should, if possible, be conducted on an East African basis. As the hon. Member for Nyanza pointed out, in regard to hydro-electric power we are inextricably mixed up with other territories. The only sources of such power, as far as we know, on a grand scale are the Ripon and Murchison Falls which are in Uganda. Again, it has been found that the most economic and best method of providing electric power for Mombasa is by the use of the Pangani Falls, which are in Tanganyika. Therefore, if at all possible the investigation will be carried out very early on an East African basis, and the other Governments are being approached forthwith. If for any reason it is not possible to carry it out on an East African basis it will be carried out on a Kenya basis. This investigation is of a major character.

Actually, as the hon. Member for Nyanza pointed out, we have a con-

[Mr. Troughton] a considerable amount of information, and there is no doubt at all that it is possible to make some progress in this matter now without waiting for the results of the comprehensive examination I have mentioned. To do that, to make specific proposals for immediate action, the Development Committee, of which I shall have more to say later, has appointed a sub-committee to deal with and make recommendations regarding industrial development generally, and has been specifically informed that it is expected to include electric power development in its purview. In fact, with Your Excellency's consent, in order to ensure that the best advice possible is available to the sub-committee, the Government Electrical Engineer and the General Manager of the East African Power and Lighting Company have been co-opted as members.

Perhaps I should, in defence of my colleagues on the Development Committee, say why this interim report is silent on the point—although we had, in fact, at the time the report was written, arranged for the formation of this sub-committee to deal with a matter which we regard, with the hon. Members for Nyanza and Nairobi South, as of paramount importance. The objects of the interim report are stated in paragraph 2: "We feel that it is desirable to inform Your Excellency at this stage of the general principles by which we propose to be guided in framing a policy of development." The report never purported to be an interim statement of policy but merely a statement of principles by which the committee proposed to be guided, and, secondly, to make certain interim recommendations which the committee thought should be acted on. It was necessary, therefore, to include some indication of the policy in respect of these interim recommendations in order to make it clear why they should be acted upon at once. But the Development Committee, I can assure hon. members, is fully alive to the matter of fostering industrial development in so far as the natural resources of this country permit. In fact, it would be failing lamentably in its duty if it did not do that.

Apart from these two major investigations—one on an East African basis and the second one as to proposals for early action—there is, as the hon. Member for Nairobi South pointed out, an investiga-

tion about to take place in respect of the augmentation of the Nairobi water supply. The question of the augmentation of Nairobi water supply raises the utilization and the harnessing of the various rivers which rise on the eastern slopes of the Aberdares and Mount Kenya, and I am glad to be able to say that Government has secured the services of an eminent consulting engineer from the Union of South Africa to carry out this investigation, and he is expected to arrive in the Colony before the end of this month. (Hear, hear.) It is true that the main object of the investigation is to augment Nairobi water supply, but it is bound, as we see it, to include hydro-electric development as an incidental feature. On the other hand, it does not pretend to be anything in the nature of a substitute for the more comprehensive examination to which I have referred.

Perhaps I should say a further word on the subject of the report of the Development Committee, where the hon. Member for Nyanza took us to task in that we were considering proposals involving six million pounds on social services and only £100,000 on industrial development. As the hon. member himself pointed out, they are proposals, and the result when those proposals have been examined I have not the slightest doubt will be completely and utterly different. I can assure hon. members that the committee is alive to the importance of industrial development. I do not think, frankly, that the natural resources of this country without further investigation will permit of an awful lot of industrial development, but we must have as much as the natural resources of the country will permit, and Government must intervene if necessary in order to encourage private enterprise in this matter.

Sir, Government wholeheartedly supports this motion. (Applause.)

MR. MATRU (Native Interests): Your Excellency, my colleague and I would like to associate ourselves with previous speakers in supporting this motion. We feel that the development of this country will be very much enhanced if it had electric power which we can use in our industries. In that way we should go a long way to supporting ourselves with our requirements rather than having to depend, as we are at the moment, on external resources. We support this motion.

MARON JOYCE (Ukamba): Your Excellency, I have very little to add to what has been said in strongly supporting this motion, but there are one or two points I should just like to touch on briefly. One is the question of the principles to be applied to the decision as to whether certain hydro-electric or other developments are possible or not. This has been mentioned by the hon. mover, but I should like to stress it, that I feel very strongly that the benefit of the community must be the guiding factor rather than the possibilities of providing profits for this or that company. It is a fact that the small type of hydro-electric development that may be more possible in this country may not be very attractive as an investment, they are more expensive to instal and so on. That is all I have to say about that, that I very strongly support the attitude of the hon. mover and his secondar that the guiding principle in this direction should be the benefit of the community.

One other small point is the possibility of this development. I feel that, of course, we will get in due course expert advice and reports, but already there are one or two small schemes that have been reported on by engineers in this country, of which, from our small rivers running off the Aberdares, at least one particular scheme I have seen, would make available 3,000 horse-power; a small scheme, of course, but a very welcome addition to the power available in this country. And, thinking of the future of development of power, we have the rainfall. We do not seem to see much of it on our farms or in Nairobi, but the fact remains that in the higher areas, the Aberdares, the rainfall does exist, and with proper development I feel that none of us need fear that a very considerable advance can be made in the next five years in this direction. I support the motion.

MR. COULDBREY: Your Excellency, there is just one point that I should like to make. I am very pleased that the motion has been accepted unanimously, but I must have a little dig at my hon. friend the Economic and Development Secretary when he said I was preaching to the converted. That means that some time he was in the outer darkness. (Laughter.) I gathered that from this report. (Laughter.) I should like to know how recent that conversion is? The second and more

serious thing is the point raised by the hon. Member for Ukamba, who said that our planning must be for the benefit of the community even if it is not really immediately economic.

MARON JOYCE: I did not say even if not economic.

MR. COULDBREY: That it must be for the benefit of the community, and I will add "even if not immediately economic". (Laughter.) That is an important point. I am perfectly certain that in any proposals we set there must be dead money, as in the case of the original five and a half million pounds for the building of the railway, on which we never paid interest and which was eventually wiped off, so that when we get the final proposals there must be some proposals for dead money. It is erroneously called that, but of course it is not. If it is five or even ten millions, half of the money would be spent in the country on wages, salaries and so on, and the other half would be spent where it is wanted in helping the export industry in London to pay for the electrical equipment. I agree that the real thing is to benefit the community. If it does this that is the most important factor, and the economic factor is a secondary one.

Thank you, sir.

The question was put and carried.

LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Local Government (Municipalities) (Amendment) Bill be read a second time.

The object of this measure is to improve upon certain enabling powers held by municipal authorities and to put into legal form the financial obligations of the Government to municipal authorities; and (further) to clear up one of two small amendments that have been found necessary because of lapses in the past.

Dealing with the various clauses one by one, we come first to clause 2 which provides for an extension of the enabling powers in regard to municipal trading and other activities. This particular amendment is desired by the Nairobi Municipal Council with two main objects

[Mr. Mortimer]

of veranda shops. That is, you have the main shop devoted to one particular kind of trade, but on the veranda you will see an African pursuing a completely different kind of trade, either as a tailor or a cobbler or a watch repairer, and various activities of that kind. Council desires to stop the veranda trading, which leads to overcrowding and all kinds of unpleasant conditions, and desires to provide in some central place—either in the municipal market or somewhere else—for the operations of these Africans who are now engaged in this veranda trading. Here again my legal friends held that this provision did not come within the ordinary terms of a municipal market, for a market is a place where you buy and sell things and not a place where the trader makes up into some other form a customer's own materials, so further special provision is required, which is covered by this clause, and as an addendum to the clause it is proposed to give the local authorities power to acquire the land for the purpose covered by the section.

Clause 3 is intended to put into legal form the financial arrangement between the Government and the municipal authorities. When the Feetham Commission reported in 1927 the only two municipal authorities then to be established were Nairobi and Mombasa. The Feetham Commission went very carefully into the financial relationship that should subsist between the Government and local authorities. In section 87 of the Municipalities Ordinance their recommendations were embodied, and there you find laid down the precise contributions which the Government shall be required to make to the local authorities of Nairobi and Mombasa, but the section is strictly limited to those two municipal authorities. Since then, however, municipal authorities have been established in Nakuru, Eldoret and Kisumu. Government has, in fact, paid over similar contributions to those laid down by law for Nairobi and Mombasa, but in order that the financial relations may be placed on a proper legal footing it is desired to amend the ordinance to make the provision statutory. Where a municipal authority has not made its contributions the Government makes a block grant or makes certain specific grants for specific services. It is desired to apply the general principles only where rating has been applied. Therefore, you will note, the

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[Mr. Mortimer]

application of these financial provisions is to be subject to the decision of the Governor in any individual case. That will allow sufficient elasticity for individual cases to be considered in the light of their circumstances.

Clause 4 is intended to remedy a small defect in the original ordinance in that a standing committee was established under the original law for dealing with municipal affairs and reporting to the Governor upon all such matters as might come before it in that connexion, but the law said that the standing committee's functions included all matters relating to local government. There was also under the District Councils Ordinance a similar standing committee set up which was intended to deal with district council affairs, but there again power was given to deal with all matters relating to local government, and so you have overlapping of functions. It is, therefore, proposed to take the opportunity of amending the law and to define the functions of this particular standing committee as relating to municipal matters only.

The last clause is intended to make a correction that ought to have been done years ago. Sections 104 and 105 of the Municipalities Ordinance lay down that there shall be established a Central Road Board, and the functions are therein defined. Since that date, however, the Central Roads and Traffic Board Ordinance has been passed in this Council setting up the Central Roads and Traffic Board with precisely the same functions, and so in fact you have two boards set up, one called the Central Roads Board under the Municipalities Ordinance, another called the Central Roads and Traffic Board under the specific ordinance. It was, of course, intended that the Road Board established by the Municipalities Ordinance should be suppressed, but the ordinance did not actually carry out the intention. It is now proposed to repeal sections 104 and 105 and I shall at a later stage be moving the second reading of the Central Roads and Traffic Board Bill which is correlative to this particular repeal.

MR. BROWN seconded.

The question was put and carried.

CENTRAL ROADS AND TRAFFIC (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Central Roads and Traffic (Amendment) Bill be read a second time.

As I have already explained, this bill is the complement to the repeal of sections 104 and 105 of the Municipalities Ordinance. It repeals the original sections setting up the powers and duties of the Central Roads and Traffic Board which in the original ordinance were related back to the Municipalities Ordinance. Having repealed these clauses in the Municipalities Ordinance, it is necessary to specify once more in full the functions of the Central Roads and Traffic Board. It was noticed after the bill had been printed for introduction that, in taking over the full functions as laid down by the original law, sub-clause (2) went further than was really intended. Apparently it was originally contemplated that the Central Roads and Traffic Board should be an executive authority and should control plant for road purposes and hire it out to local authorities. This particular clause has never been acted upon, and it is extremely improbable that the Central Roads and Traffic Board will ever be empowered to act in an executive manner and to exercise this function. Therefore I beg to give notice that in the committee stage I shall propose the deletion of sub-clause (2) and the deletion of the figure (1) at the top of the clause. Subject to that comment I beg to move the second reading.

MR. BROWN seconded.

The question was put and carried.

PIG INDUSTRY BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Pig Industry Bill be read a second time.

Before I deal with the provisions of this somewhat complicated bill in detail, it would, I think, be advisable to put hon. members *au fait* with the history and background which has led to the introduction of this piece of legislation. The pig industry in this Colony has had a chequered history, and in the past production has on occasions been allowed to

[Major Cavendish-Bentley:] exceeded planned marketing with disastrous results to the producers who, on one occasion at all events, had no other recourse but to slaughter large numbers of unsaleable pigs again through lack of foresight. Experience has shown that the proper organization of the pig industry is in almost every part of the world not altogether an easy matter; pig production has a knack of getting out of hand very quickly indeed. Probably the two most acute production crises we have had to deal with in this country during the war have been connected with pigs and potatoes, and for much the same reasons in each case.

But, so far as the future is concerned and future prospects, it will be agreed that this Colony is basically well situated to the production of bacon pigs, and it ought to be able to compare both in quality and at world market prices. Normally we have ample supplies of cheap cereal foods, and animal protein supplements are available in the form of skimmed milk and meat-meal. Housing and labour costs are relatively not high, and the transport of pig and bacon is not as expensive as the transport of large quantities of grain imported by such other pig-producing countries as the United Kingdom and Denmark. Surplus skimmed milk over and above the amount required for the feeding of calves will increase as the quality of the dairy herds increases. Moreover, the raising of pigs is part of a mixed farming programme, and should therefore be encouraged as a matter of policy, as it not only forms an excellent complement to, butterfat dairy farming, but does enable a farmer to utilize his own cereals for animal production which, in general, is a more economic procedure than the direct sale of grain grown on a farm.

Thus, in post-war planning, we obviously must include measures to provide for the advancement and adequate control of this industry. This fact has been fully appreciated by producers for some time past, and even before the war attempts were made to devise some co-operative basis for doing something in this direction. Attempts were also made to see whether they could not acquire a factory which could be run for the benefit of the producers themselves. It was, of course, always realized that there

were major difficulties in building up an export market, but a great deal of work has been done in this connexion and I believe that, provided essential facilities are forthcoming, such as adequate cold storage at the coast, and thanks to the painstaking preparatory investigations carried out by the Director of Veterinary Services over a long period, a solution to most of the difficulties has now been found.

A prototype of this bill now before Council was first drafted as far back as 1939. A second attempt was made in 1940, and the bill now before members is, I think, the fifth draft. I have said enough to establish the fact that a measure of this kind, although rather comprehensive and drastic, and although belatedly introduced, does meet the earnest desires of the producers themselves, and is in the best interests of the development of an industry which it is our duty to foster. Indeed, I go further, and say that without a bill of this kind we might very well see the industry failing to survive, and for these reasons. In the year 1941, 11,713 pigs were sold to the Control, and this figure had risen by 1943 to over 42,000 which were delivered to the Control. These numbers exclude larders, sausage pigs, boars and under-grade pigs, and represent the number of pigs actually accepted by the Control who directed deliveries either as baconers or porkers as the need arose. The figure for last year, 1944, was just over 41,000, slightly under 1943. It will be appreciated that this output obviously exceeds local demands, and the excess over local requirements has during the past few years been absorbed by the military, both here and overseas. But the military demand will one day cease, and it has already been reduced to an extent which has made us a little bit apprehensive, and when the military demand ceases we cannot enforce overnight an arbitrary reduction of about 75 per cent on all producers without very disastrous repercussions. Therefore, the industry must be so organized and must have plans ready to meet the situation, and control measures such as those envisaged in this bill are, in the opinion of the producers, essential if we are going to be so organized to meet this very difficult situation which we foresee.

Another factor which may be of interest in the course of this debate is the

[Major Cavendish-Bentley:] of Major Cavendish-Bentley] has been delivered to the Control by African producers. During the total years 1941 to 1944 inclusive, the total number of pigs delivered to and accepted by the Control—again excluding prieters and low-grade stuff—was 130,453, of which 6,210 during the course of the four years were delivered from the Nyeri Pig Finishing Station. Practically all these pigs emanated from African sources. The only other pigs which had been delivered by Africans were two from an African in 1941 and five pigs from one African in 1944. Thus up to now the native contribution to the total is only about 5 per cent, but African participation in this industry is bound to increase, and I would stress that this bill as drafted is intended to meet the needs of the industry as a whole and can in no way whatever be regarded as a racial measure.

I have already referred to the fact that in the past, a number of efforts were made to devise a suitable measure to provide for the advancement of the industry. It would be a waste of time to explain how the previous drafts came into being or why they were not put before this Council, but I would say something about the origin of this final draft now before Council in order that hon. members can be satisfied that every possible care has been taken in its compilation, and that it does in fact meet the requirements of the producers themselves.

Negotiations for the acquisition of Uplands Bacon Factory first took place at the request of the producer in 1940. The factory itself was acquired by Government in 1941. From 1941 onwards we were engaged in stimulating the production of pigs and augmenting our factory facilities in order to meet war requirements, and from the figures I have already quoted I think I have shown that we were not entirely unsuccessful in these efforts. In September, 1943, the Director of Veterinary Services and the Stockowners Association expressed their anxiety about what might happen when the war ended and the Control was taken off. They reiterated the conviction which they expressed in pre-war days to the effect that steps must be taken to put the industry on a more satisfactory basis. A committee was therefore appointed by Government Notice No. 743 of the 7th

September, 1943, with the following personnel: the hon. Director of Veterinary Services, chairman; the hon. Financial Secretary as a member; two members nominated by the Uplands Board of Management, who were Mr. G. S. Hunter and Mr. P. G. Thorne, well-known producers; two members nominated by the Stockowners Association of Kenya, Mr. F. J. Bicknell and Mr. J. W. Newton; and two members nominated by the Agricultural Production and Settlement Board, who were Mr. Will Evans and Major the hon. A. G. Keyser. Their terms of reference were: "To advise Government on the measures that should be taken to ensure satisfactory development of the pig industry after the war; to make detailed recommendations regarding the control of pig production, the marketing of pigs, and pig products, the future constitution of the Uplands Bacon Factory, the position of small proprietary bacon factories, and to indicate the lines on which legislation should be framed to safeguard the future of the industry". I particularly make that point because there have been certain criticisms that the bill and the measures which are the subject of this debate have been devised by persons who do not know what they are talking about and were not themselves pig producers. I take this opportunity of stressing that such criticisms are, in my opinion, entirely without foundation and, indeed, I ask hon. members how one could produce a more representative committee than the one nominated, which really made the recommendations which are the foundation of the bill before us.

That committee did not report until September, 1944, but their report was very comprehensive indeed, and included the draft of a bill to represent the type of legislation which they recommended. Shortly, the committee's recommendations were as follows—I am going to give them very briefly because it is my duty to satisfy Council that the recommendations of the committee are incorporated in this measure. As the basis of their report, they agreed that the Colony was well placed for pig production, and therefore Government could confidently be advised to proceed with plans for the rationalization of the industry, on the assumption that an export industry in bacon or bacon pigs would provide a valuable complementary

[Major Cavendish-Bentinck]

activity to the dairy farmers of the Colony and would assist in obtaining a well-balanced system of farming. The committee went on to stress that the United Kingdom was probably the only export market with sufficient capacity and sufficient elasticity to absorb our production, as well as the only market which can be relied upon generally speaking, to accept full tides, which would be an essential part of the policy in our export.

The committee, however, stressed that the United Kingdom market was, in fact, a most discriminatory market, and that Kenya producers had got to get down to it, that their pigs would be called on to face competition from some of the best-organized pig producing countries in the world, and it was essential that we should produce a standard type of bacon pig acceptable to the consumer and, having reached that standard, that the pigs should be kept uniform in size and quality as our competitors' pigs were, which implied uniformity in breeding and feeding. In order, therefore, to avoid the creation of a multiplicity of types, the committee recommended that legislative powers to cover the licensing of breeding stock after inspection and control of importations should be provided in any ordinance which might be framed. They also dealt at some length with experiments which they considered it was necessary to carry out as regards feeding and different types of rations. They also dealt with the possibility of exporting in the form of frozen baconer carcasses. I mention that again because of the importance of providing adequate freezing or cold storage facilities, if that is the form our exports will take. They also pointed out that veterinary regulations covering admission into the United Kingdom of bacon and pork stipulate certain tests by animal inoculation of pooled blood from the slaughtered pigs for the presence of the virus of East African swine fever, and that could only be arranged satisfactorily by the Director of Veterinary Services in a large, modern, hygienically equipped factory with modern equipment. Thus the burden of dealing with export might conceivably fall entirely on the factory which would be the property of the pig producers and which would be operated for the benefit of the pig producers, and the more profi-

able domestic trade might then remain entirely in the hands of the proprietary independent bacon factories. To avoid this and such anomalies it would, therefore, be necessary to provide for a compulsory pooling system. Accordingly, the committee recommended the appointment of a statutory Pig Control Board which would control the industry generally, and organize the rationalized marketing of all pigs on a pool basis. It was further recommended that legislation should provide for the compulsory sale by producers of all pigs to this Control Board, which could then allocate supplies to bacon factories and butchers in much the same manner as has recently been done by the Pig Control.

They recommended that the board should be under an obligation to accept all pigs of a reasonable quality offered and, as a corollary, that the board must have power to limit production—provided adequate notice was given to producers. In view of the arbitrary powers that acceptance of their recommendations would place in the hands of the statutory board, the committee stressed that such a board should include strong elected representation from the producers themselves and that the producer representatives should be elected by pig producers, that there should be a certain number of electoral districts which they recommended themselves and which are to be found in the bill before you. They also recommended that there should be powers to impose a cess on producers. Finally, and this is very important, the committee recommended that the statutory Pig Control Board should be empowered to regulate factories and to acquire or operate Uplands or any other factory. Such were the recommendations of the committee appointed to advise on the control of the pig industry. As I have said, hon. members will see that in the bill we have done our best to conform to these recommendations.

The first draft which they submitted went to the Legal Department, and was found not to be wholly satisfactory. Therefore, a new bill was produced by the Legal Department and submitted to this same committee with a few additional members who, after going through the draft bill clause by clause, suggested further amendments. The bill was substantially amended, and went back to the original committee consisting of the

[Major Cavendish-Bentinck] to bodies whom I have related to you; in addition, we had the Attorney General, the Chief Native Commissioner, and the Economic and Development Secretary, Mr. Wollen, Captain Wilson, and Mr. Humphrey Slade was also present to advise on company law; this body sat under my chairmanship. I would point out that during the final scrutiny of the bill before you, no less than six hon. members of this Council were present, a fact which I hope may obviate the necessity for referring this bill to a select committee, because its passing, I can assure hon. members, and I hope I have established the fact, is a matter of urgency. I trust hon. members will forgive me the length of my preamble, but in view of the very far-reaching nature of the proposed ordinance and the really drastic arbitrary powers it is proposed to vest in the statutory Pig Control Board both in respect of individuals, factories, importations, and live stock generally, I thought it was essential, before explaining the bill in detail, that I should justify the necessity for introducing this measure.

Dealing with the bill itself, clause 2 is the ordinary interpretation clause, and it will be seen that "butcher" means a person who slaughters pigs for sale but does not include a native residing in a native area who slaughters pigs produced in such native area or for consumption in such native area or in a gazetted native area. The intention of that was to allow natives who produced pigs to sell their products in their own reserve but normally not in any outside native area. It could, however, also sell outside their immediate neighbourhood provided this further area was gazetted. Further down it says what a gazetted native area means. Clause 3 deals with the establishment of the board to which I have mentioned of the board to which I have already referred, the statutory Pig Control Board, known as the Pig Industry Board. It provides for its membership, and here I must make an explanation. The different committees recommended, and indeed the committee of which I was chairman, the final one recommended that the composition should be the Director of Veterinary Services, two members appointed by the Governor—the idea being presumably a consumer, or possibly somebody with financial experience—and one member to represent

the native pig producers. When that came before Government the matter was discussed at some length, and the decision was taken that it would be preferable to have two members to be appointed by the Governor, and two representing the interests of the native producers—of whom at least one should be an officer in the public service, so that it might be advisable to try and introduce in the pig industry which was being created in the native reserves some form of co-operative finishing station such as the one which already exists. That is run by a veterinary officer who is in close touch with the native producers and native pig industry, and such a person would probably be a very valuable addition to the board.

At the top of page 2 of the bill you will see provision made for the election of members of the board. It is provided that, in the first instance, the members referred to in this paragraph shall be appointed by the Governor, and shall hold office until the first meetings are held under the provisions of this paragraph, and shall at such meetings be eligible for election in the manner prescribed. The object of that is to provide continuity for the operations of the Uplands Bacon Factory and to enable a board to be immediately nominated and take charge, pending elections, to enable the industry to be carried on without a break. The intention, of course, is to hold elections at the first possible opportunity. In sub-clause (4) again in the interests of continuity it has been provided that of the six members elected under paragraph (4) of sub-clause (1), one-third shall retire annually; in other words, all will more eventually serve three year periods. I believe that in the opinion of some hon. members the question has been raised whether it is not more advisable to have them elected annually, as is the case with similar bodies. Personally, I have no feelings on the subject. The committee did suggest that they should retire in this fashion in the interests of continuity, but maybe there is something to be said for an annual election.

The next point to which I need refer is clause 6. At the end of every year the board has to provide as soon as possible copies of a report on its operations which shall be circulated to all licensed pig producers. I think the criticism may be

[Major Cavendish-Bentinck]

made that if it is insufficient, because you circulate all pig producers with the report, and if they do not like it they are not able to come together to put forward their objections or make their representations. I would state that, in the opinion of the committee, that was considered, and they thought that as the representatives on the board were elected, and may be elected annually, that gave the pig producers quite enough control over their nominees, but if it is considered necessary to provide for some sort of annual meeting of delegates of pig producers I suggest it is quite enough to put something in the rule-making powers so that the board can make the necessary arrangements.

Clause 9 is of course a very important section indeed, and it provides for the restriction of the purchase, sale and export of pigs. Again you will notice there is a proviso exempting natives in their own areas. If a native wishes to sell outside his area then he has to conform to the same rules as anybody else. Clause 10 gives the board powers to control completely the export of pigs and pig products, and that means that existing factories which may have an export trade in some form of pig products will not be able to continue that trade without leave from the board. It is a fairly drastic power. On the other hand, I would ask hon. members to realize the harm that can be done to this country by allowing the uncontrolled export of possibly ill-prepared pig products. Clause 11 provides that every pig producer has to be licensed, and it provides a fee therefore. Every application for the renewal of a licence has to be submitted to the board on or before the 1st day of October, that is, three months before the actual licence can be issued. It will be noticed that the board has power to refuse an application for a licence, and if so it has to notify the applicant in writing, and in the case of the refusal of an application for the renewal of a licence it is necessary that such notification shall be sent to the applicant not less than 60 days before the date on which the licence expires. There is also the right of appeal to the Governor. There is no appeal to the court. I think it is necessary to have those powers. People who persistently

produce very low grade pigs, undesirable pigs, are doing harm to the industry and harm to the country, and they cannot be allowed to go on producing pigs; they had better start some other undertaking.

Clause 12 contains a very important proviso, in that it provides not for the licensing but for the registration of native pig producers. I submit it is most important that we have some tag on and some control, in their own interests, of native pig producers. At the moment it is done administratively by the Veterinary Department with the help of the Administration, but this goes further and gives the powers to the Administration, who no doubt will delegate them to the Veterinary Department, and it is in my opinion a very desirable thing. Clause 13 is consequential on section 9. You cannot sell or supply, nor can the board purchase from unlicensed suppliers. Clause 14 provides what the committee wanted, which was the obligation to purchase all pigs offered, and then clause 15 gives the obvious corollary, to that: it gives the board powers by order to fix the quota which may be supplied to the board by any licensed pig producer during any specified period. Again there is an appeal; if a man is aggrieved he can appeal to the Governor.

Clause 16 provides for the control and licensing of all proprietary bacon factories, and provides for the manner in which the licence can be applied for, and it also provides for the refusal of a licence. If there is refusal of a licence there is appeal to the Governor. You will note that there are two clauses dealing with the refusal of a licence in one way or another. This clause deals with refusal to give a licence to carry on the business of a bacon factory and is intended to be used, if it is used, in the case of a really unsatisfactory, really unhygienic, factory. In that case a man has the right to appeal, but no compensation is paid. Under clause 17 the board has powers to close upon redundant bacon factories, and in that case there is also an appeal to the Governor, and in addition compensation is payable which will be assessed by arbitration and there is no appeal to the court. That is a pretty wide power. Clause 18 gives powers of inspection which are obviously necessary, and now we come to clause 19.

[Major Cavendish-Bentinck]

Under clause 19 two things are done. One is the establishment of a fund which can be used for the benefit of industry as a whole, and, secondly, it is laid down how such fund can be utilized. Contributions levied under the cess go into this fund, and licence fees and dividends on profits made from the bacon factory or any other bacon factory belonging to the board go into the fund. As regards expenditure, the powers are fairly wide, and you will notice that they include the purchase, erection and operation of factories, the establishment of pig breeding centres and the establishment of a reserve fund in addition to others, and obviously the powers must be fairly wide. Clause 20 provides for the usual audit. I will merely mention here that the Governor has to approve the audit. People may say "why not allow the board to run their own business?" The answer is that it is their business which is being audited, and they are trustees for the money of the producers.

The keeping of records is provided for; it obviously must be, and the power of examination of records of a private business is provided for in clause 22—that is private pig factories or any butcher. Those are fairly drastic powers, but I think they are necessary. Under clause 23 the board has power to appoint the management of any factory owned by the board and to employ anybody they desire to employ. Clause 24 contains the usual delegation of powers, and clause 25 provides for the imposition of a cess. You will notice that the board cannot impose a cess on producers without the agreement of the Governor in Council, thus protecting producers to some extent. There is the usual penalty clause, and in 27 we have very comprehensive rule-making powers. They are very comprehensive indeed, but I do not see how one can possibly avoid the inclusion of comprehensive powers in a bill of this nature if we are going to allow the board to do all the things we hope it is going to do in the interests of industry.

Lastly, I would say that it may be that certain members will suggest that in view of the comprehensive nature of this bill it should again go round the country and be reviewed by the producers. I hope that view will not be accepted. I have already pointed out that we may at any moment

be faced with a situation which is very difficult to deal with. I have pointed out that we have tried for four years to get this bill through; and therefore I hope, in view of the fact that you can only get a measure of this kind perfect by trial and error, and in view of the assurance which I am sure Government will give that, if anything is found wrong in the bill or distasteful to producers, they will do their best to remedy it, that steps will be taken to pass this measure as a matter of some urgency. (Applause.)

MR. THROUGHTON seconded.

MR. BOURVER (Uasin Gishu): Your Excellency, it is an interesting fact to me that the second reading of this bill has been moved from the first time since I have been a member of this Council that has been done, and I take it as a compliment to us and as a measure of our association with Government in the affairs of this country.

There can be no doubt about it that this is a very very drastic measure indeed, but I wish to support it as strongly as I possibly can, because it seeks to bring the pig industry into line with the other major agricultural industries which have been stabilized and the marketing arrangements for which have been laid down by ordinance so very successfully. Even though it is such a very drastic measure, I do believe it is absolutely in the interests of all pig producing people in particular and of the inhabitants of this Colony in general.

The hon. mover has covered the field adequately and clearly and it is scarcely necessary for very much more to be said, but there are one or two criticisms and suggestions I should like to make, and which I hope will be accepted by the mover. The first suggestion I should like to make which has been foreshadowed by the hon. mover refers to the board. In clause 3 (4) it says: "The following provisions shall apply in respect of the members of the board referred to in paragraph (d) of sub-section (1) of this section: (a) one-third shall retire annually, and shall be eligible for re-election," etc. The hon. mover has said that was done in the interests of continuity, and I agree that that is an argument, but I do not think in the light of the experience we have had that it is a very

[Mr. Bouwer] strong argument, and I believe myself that it would be very much more acceptable, and, indeed, better all round if the members referred to in paragraph (d) of clause 3.(1) were to retire annually and come up for election annually, especially in view of the fact that in sub-clause (6) arrangements are made whereby the board will make a report every year and that will be circulated to all licensed pig producers, but if this becomes law it does appear to me that the pig producers in the areas mentioned in paragraph (d) would only have an opportunity of meeting the person representing them once every three years. I do not believe that would either be acceptable or that it would be desirable. Therefore the suggestion I make, and I hope it will be accepted, is that 3 (4) should be changed so as to allow of annual elections.

The next point I want to make refers to clause 10. I have tried to read this carefully and have tried to understand it, but it appears to me to be slightly involved. It reads: "The board, or any person who, being the licensee of a bacon factory under the provisions of this Ordinance . . ." my copy says "is authorized in writing by the board in that behalf, may export pigs, pig-meat, bacon or any other pig product". There seems to be something wrong. I suggest possibly that "if" should be substituted for the word "is". Perhaps I shall be told later on what the position is.

Another suggestion I should like to make arises out of the fact that the Governor and the Governor in Council are mentioned quite often in this bill. I cannot understand why it should sometimes be the Governor and at other times the Governor in Council, except in clause 3, where I realize it is probably better to have the Governor. I suggest that it would be better if in the relevant clauses the words "Governor in Council" were substituted for "Governor". In the appeal clauses I understand the idea was that it was the Governor who would investigate any appeals that would be made and that this would expedite matters. I suggest that it would not really expedite the matter because after all the Governor in Council does have a meeting every week, memoranda must be circulated, and I personally consider it

would be better if it was the Governor in Council. I wish to support the bill.

Mr. TRENCI: (Rift Valley): Your Excellency, while I should like to congratulate all concerned in at last producing a bill for the regulation of the pig industry, nevertheless I feel that they have not fully appreciated the problem or problems that still lie ahead of them. I happen to come from a country where the interests of the pig are considered paramount (laughter), and I think I can also say that those people who consider the interests of the pig are paramount, while extremely charming, are also extremely difficult people to deal with (hear, hear), and I think that my last two statements can be verified by certain members on both sides of Council. I think that that committee should have appreciated the fact that the pig producers of the country are extremely difficult people to handle, and therefore I am surprised that no rule or clause has been put in this bill to allow for an annual conference. I do suggest that powers be given to the board under the rules to be able to call an annual conference. I beg to support the measure.

ARCHDEACON BEECHER: Your Excellency, in rising to support this bill I do so not as one in the least well versed in pig production. Indeed, I am nothing more than an abstemious consumer of the products of the pig industry, but at the same time both my colleague and I would like to be associated with the bill now before Council. It is, if I may so describe it, a very definite step forward politically in the essay of partnership which is being tried in this Colony at the present time. That spirit of partnership has been very much in evidence in the conduct of the affairs of this Council. It is something which moves the Development Committee at the present time, and this bill in itself is a token of our determination to go forward together and hammer out on the anvil of experience the economic future of the country. For that reason, if for no other, I warmly welcome this bill.

I think I should, however, call attention to certain aspects of clauses 11 and 12, and in so doing clear up a difficulty that may arise on a first reading of this bill by the Africans who are interested in pig production. The provisions of

[Archdeacon Beecher] large factory. I suppose that every firm in this world with competition regards his competitors as redundant, and there is a fear among several of my constituents that it may also spread to coffee or other industries. I do think we ought to have a body of disinterested people to discuss whether a factory is redundant or not, and I also think that to leave it in the hands of those who in practice will work it out for those financially interested in one factory to describe the other as not very satisfactory in its arrangements and therefore no compensation need be paid seems to give unnecessarily large powers to any board. I should not like to be in the hands of my competitors as a small man who has invested all his capital, as some of my constituents have done, in a factory, and my competitors decide whether mine shall be kept open. I do not think that is fair. I believe that we have all got to make certain sacrifices to get this pig industry going, and as a small producer of about 100 pigs a year I believe we have got to be limited, perhaps, but to put the whole burden on some of our constituents who have put their capital in these small factories seems to me at least too wide a power and perhaps an unnecessary one to give a board. I do not say that we should licence any new people coming in, but those who have been in existence for some years should receive more consideration than we are perhaps proposing to give them. The hon. Member for Nairobi North says that in its intention the board will have complete integrity in regard to factories which are really redundant, but I do not think the machinery guards those people sufficiently.

Before I sit down, there is one very pleasant duty I have to perform. Reference was made by the hon. member to the existence of the Pig Finishing Station at Nyeri. He pointed out that this has produced something in the region of 5 per cent of the pigs which have come into the hands of the Control in the past four years and that, apart from the Pig Finishing Station, African participation in the pig industry has been almost negligibly small. What I would like to do is to pay tribute to Mr. Hammond, the veterinary officer at Nyeri, and his African staff for the very big efforts they have put into the furtherance of the pig industry, particularly in the South Nyeri district and other parts of the Central Province. Their work has been appreciated by the Africans and it is largely, if not entirely, through Mr. Hammond's efforts that the African is thus enabled to participate in the pig industry, and I should like on behalf of those who have thus benefited to pay warm tribute to him. Sir, I beg to support this bill.

MRS. WATKINS (Kiambu): Your Excellency, I rise to support the motion, but I should like to register one fear, or one protest, and that is on behalf of the smaller factories of this country which are now going to be, perhaps at six months' notice, described as redundant by those people who have shares in one

large factory. I suppose that every firm in this world with competition regards his competitors as redundant, and there is a fear among several of my constituents that it may also spread to coffee or other industries. I do think we ought to have a body of disinterested people to discuss whether a factory is redundant or not, and I also think that to leave it in the hands of those who in practice will work it out for those financially interested in one factory to describe the other as not very satisfactory in its arrangements and therefore no compensation need be paid seems to give unnecessarily large powers to any board. I should not like to be in the hands of my competitors as a small man who has invested all his capital, as some of my constituents have done, in a factory, and my competitors decide whether mine shall be kept open. I do not think that is fair. I believe that we have all got to make certain sacrifices to get this pig industry going, and as a small producer of about 100 pigs a year I believe we have got to be limited, perhaps, but to put the whole burden on some of our constituents who have put their capital in these small factories seems to me at least too wide a power and perhaps an unnecessary one to give a board. I do not say that we should licence any new people coming in, but those who have been in existence for some years should receive more consideration than we are perhaps proposing to give them. The hon. Member for Nairobi North says that in its intention the board will have complete integrity in regard to factories which are really redundant, but I do not think the machinery guards those people sufficiently.

Mr. VONENT: Your Excellency, I should like to support the last speaker in this respect. I think that this is an opportune time to point out to Council the danger of these powers which, however, I consider are necessary. It is all very well to say to people, "You will go in front of an arbitration board and if you do not like their award you can go to the Governor, whose answer is final". I am afraid that if that happened under this bill I should be the first to come before this Council and propose that the measure be amended by the elimination of clause 17. Bacon curing is a life's training in a great many cases.

[Mr. Vincent].
and there are bacon factories in this country which, during the war, have had their normal sources of supply taken away from them. A good bacon man ties up with the man who produces good pigs for good bacon; and he ties up with a good wholesaler who sells to the retailers for the public who like good bacon, and we must take very great care that we do not, by bringing into being this very necessary legislation, create hardship for the people described by the hon. Member for Kiambu.

There is only one equitable method of purchasing a business, that is, to purchase on an ordinary commercial basis, but that is only in the event of a man wishing to sell. I do not see any provision in this bill which makes it incumbent on any bacon factory owner wishing to sell to give the board the first option of buying, which I think would be a good thing, at a proper price, but it is distasteful in its present form. My application may eventually be good and just, but if the strict letter of the law was applied under clause 17, it would create hardships because you must remember that some of these bacon curers have been in business a good many years, they have served the community loyally, and as they are getting on in years they feel they would like to sell out, and the price received will be a portion of their capital for retirement. On the other hand, other factories may be quite reasonably acquired compared to the others, who may not wish to sell, and if they are trained bacon curers their means of livelihood in this country may be removed from them. So that while supporting the whole of the bill, including clause 17, I do not apologize to Council for putting this point of view of the small curer before hon. members.

MR. DAUBNEY (Director of Veterinary Services): Your Excellency, the background of this bill has been so well described by the hon. mover that there is no need for me to go over that ground at all again. There is just one point which has some relation to questions that have been raised by recent speakers, and that have taken place in the Uplands Factory. As the hon. mover pointed out, Uplands Bacon Factory was acquired by Government to serve the industry

generally, to meet wartime demands, and to provide the industry, with a factory capable of handling the major production of the country and, in particular, to undertake export under peace-time conditions, and that factory has been paid for largely out of the profits—it has made, and partly also out of the cess contributed by producers. That will be a matter to be discussed in relation to the Uplands Factory Bill, but I would say that it is of the utmost importance to the industry, if it is to embark on export in competition with such countries as Denmark, Ireland, New Zealand, and so on, that it should have an efficient and up-to-date factory, and that that factory should be capable of working to a margin of cost which will compare with processing costs in countries with a more advanced industry. My point is at this stage—to say that recent costs of the Uplands Bacon Factory show that we have achieved our object in that respect. The careful investigation that has gone on with the idea of developing the factory in relation to the needs of the industry, has resulted in an extremely modest, a low processing charge. That is of the greatest importance to the industry.

If I may say a few words about the native side of the industry. A few years ago we suddenly discovered that a considerable pig production has developed in certain native areas of the Central Province. We found that the quality of the pigs produced by these natives was deteriorating—the type was degenerating, the methods of feeding were haphazard; we found also that they were being maintained under insanitary conditions generally, and that the incidence of pig measles (which is a stage in the tapeworm) was increasing rapidly. The Administration and my Department immediately set to work to rectify these errors. A system of registration of native pig producers was introduced, and close contact was established between the departmental staff and the native pig producers, with the result that conditions in the industry were rapidly improved.

At a later stage, when there was a greater demand for pigs to meet the military and civil requirements of the Colony, a pig finishing station was opened under the aegis of the Supply Board, and since that time all pigs from the Central Province have been marketed

[Mr. Daubney].
either through that station or under direct personal supervision of Mr. Hammond or the stock inspector working with him. The result has been that the best has been made of these native pigs, and the native producers themselves have now an understanding of the conditions that must be observed if they are to produce decent pigs. I hope that in the very near future it will be possible for that pig finishing station—which is a wealthy concern with no debts and a certain amount of money in the bank—to develop which will largely work in marketing and improving the pig industry in those native areas. It is quite clear, from the remarks of the hon. member Archdeacon Beecher, that the conditions under which pigs may be marketed by native producers should this bill become law, are quite clearly understood, so we will not go into that point again.

There is one point that seems at times to have been a source of misunderstanding, and might be emphasized here. The board as constituted by this bill will buy pigs from pig producers and will sell pigs to bacon factories, whether private bacon factories or factories such as Uplands operated by the board. It will not deal with pig producers such as bacon or any other product of the pig manufacturer, and it is essential to keep that particular point in mind when considering the relationship of the board to private factories. With regard to the urgency for this legislation, as the hon. mover has explained the demand for pigs and bacon has already begun to decline some of the what as a result of the movement of the military forces. There may be a rapid decline, and it is essential, that if any limitation of production has to be introduced to carry us on between present wartime conditions and peace conditions, when transport facilities, cold storage facilities, and so on will be available for us to begin our export, that that limitation should be put on by a body such as this board, which will be charged with the responsibility of controlling the industry under peace conditions. I believe the fact that such limitations were imposed by such a body would be reassuring to pig producers, and they

would be much less likely to be stampeded than if such limitations were imposed under Defence Regulations. That may seem a minor point, but I agree with the hon. Member for Nyanza that pig producers are sometimes difficult people to handle (laughter), and I think it is generally accepted that the board should do it.

MR. COULDRAY: I am not pig-headed, and it was not I (laughter).

MR. DAUBNEY: I beg your pardon—the hon. Member for Rift Valley.

The hon. Member for Usain Ghishu suggested the yearly retirement of elected members of the board. I would only say that that point was considered very carefully by the committee that drafted the original bill, and there was no dissent in that committee from the view that three years was a desirable length of time to appoint people in order that continuity of policy might be preserved on the board. There is one good point he made there. He stated that under this bill the producers who elect a representative to the board would only meet that representative once in three years. It was the intention to hold annual meetings in each of these districts, and that intention was expressed in the clause that dealt with the election of members. That was in the earlier drafts, and in the process of drafting the expression of the intention to hold annual meetings in the districts has been omitted, but I can assure you that that is still the intention and it can be arranged, I believe, without any amendment.

There is just one more point. The hon. Member for Kiambu, I think, in her argument on the subject of closing down privately-owned bacon factories confused the two methods covered by clauses 11 and 17 which the hon. mover was at such great pains to explain. I would say that clause 11 deals with the compulsory closing down of a factory which is not being properly run, which may be unhygienic, or which may not be giving the producer who sends his pigs to that factory a fair deal, and so on. There is no question in this case of compensation, because it is a question of applying measures for the control of the industry, measures to keep the industry in a reasonably efficient state. In the case of the second clause, clause 17, there are

[Mr. DUBOY] have a procedure laid down, by which bacon factories can be acquired and then closed down. I would stress that it is first a matter of acquiring the factory and then closing it down. That is how the procedure will go, and I would say, also, with reference to the remarks of the hon. Member for Nairobi South, that the committee of which I was chairman did interview three proprietors of private bacon factories and did discuss the question of purchase with two of them, and that they certainly would be very willing to consider—and I am sure the board would be very willing to consider—the possibility of purchasing any factory which the owner desired to sell, so that I think you can rely on a reasonable standard of equity and decency being maintained in the relations between the board and the private factories.

MAJOR CAVENDISH-BENTINCK: Your Excellency, there are very few points to reply to, but there are just one or two which were made by speakers suggesting small alterations in the bill. The hon. Member for Usin Gishu has suggested that the provisions of clause 3 (4) (a) should apply to the members appointed under clause 3 (1) (d). The hon. Director of Veterinary Services has pointed out that if they have only one year's run by the time they have got into the liang of things they may have to come up for re-election. That is the case with certain other boards in this country, and I think that if a man is a good man he generally does get re-elected, he is eligible for re-election, and if that is the wish of hon. members I am sure Government will agree to it and the necessary amendment will be moved in the committee stage, and then we can take a vote on it.

As regards appeals, I think there is a good deal in that point and that any appeal, more especially an appeal of considerable interest to a company, for instance in connexion with the closing down of a factory or the refusal of a licence, should go to the Governor in Council. That is subject to the Attorney General being able to prepare the necessary amendment, which I am sure he will be able to do. I suggest that in all the appeal clauses "Governor in Council" should be substituted for "Governor".

The hon. Member for Rift Valley suggested an annual conference, and we

will make provision under the Rules enabling the board either to arrange an annual conference of producers or to arrange for the election of delegates from each district to attend such an annual conference, as is done by the Pyrethrum Board, because there are quite a large number of pig producers, and if one had a meeting of 650 to 700 it might not be very easy for the chairman to run the meeting.

I think the only other major point which I have to deal with is the point raised by the hon. Member for Kilambu and the hon. Member for Nairobi South. I would point out that in drafting this bill we were extremely careful to try and protect, in so far as was reasonable, existing and old-established interests, and as you will see in connexion with the licensing of factories, clause 16, sub-clause (3) reads: "Provided that no application shall be refused in respect of any premises where the business of a bacon factory was being carried on at the date of the coming into operation of this Ordinance." The question raised is a big one, but you have the choice of two things: either complete liberty of the subject, with anybody doing anything he likes at any time—and I suggest that that has been a millstone round the neck of this country in particular, and a great many newly-developing countries; alternatively we can ensure the building up of proper industries, properly equipped and run for the advantage of the community as a whole, and that is the object of the bill that is before Council.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 3rd May, 1945.

Thursday, 3rd May, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 3rd May, 1945, the Hon. Acting Chief Secretary (E. R. E. Surridge, Esq.) presiding.

The President opened the Council with prayer.

PRESIDENCY OF COUNCIL

THE PRESIDENT: I have to inform Council that I have been appointed by His Excellency the Governor to preside over this meeting of Council, under Standing Rule and Order No. 6, in the absence of His Excellency. A meeting of the Governors Conference was originally arranged for this afternoon, but the Governor particularly asked His Excellency, who is chairman, to hold the meeting this morning as they wished to go back to their colonies and protectorates as quickly as possible.

MINUTES

The minutes of the meeting of 2nd May, 1945, were confirmed.

ORAL ANSWERS TO QUESTIONS No. 80 (1944)—NORTHERN SOMALIS

Mr. COOKE:

Is the Government aware of the growing dissatisfaction of Northern Somalis resident in Kenya owing to their landless condition?

Is it prepared immediately to implement the recommendations contained in section 815 of the Carter Commission regarding this matter?

And will it set up a small committee to go into ways and means as suggested by me in my Question No. 10 of 1947?

Is it aware that this matter has been pending for a number of years and that such problems do not become any easier by being left alone?

Mr. MARCHANT: (a) Government is aware that the Somali population of the country has been considerably increased in the last twenty years by unlawful infiltration across the northern and north-east frontiers and that numbers of these immigrants have been for years laying claims to the allocation of public land for ranching their stock and have in fact been in unlawful occupation of large tracts of land.

(b) Government is prepared (and always has been) to give effect to the procedure described in section 815 (a) of the Kenya Land Commission report, but the Somalis have made negligible use of this means of obtaining lawful title to land.

Recommendations (b) and (c) of section 815 have been implemented in part by the admission of Somalis to the Kipsing area and the area between Archer's Post and Shaba, but measures of control have not yet been satisfactorily worked out. These areas and the remaining so-called Somali areas are overcrowded, largely because of continuous unlawful infiltration with the connivance of their occupants.

(c) The matter has recently been considered in Executive Council and the necessary steps are being taken to regularize the position of lawfully resident Somalis. In view of this, the Government does not consider it necessary at this stage to set up a committee to go into the question.

(d) Yes, sir.

I take this opportunity to give some further explanation and to record two important facts:

Firstly, in consequence of the pressure of both people and stock in British Somaliland and Somalia there is continuous pressure on the frontiers of Kenya by these pastoral nomads and their large flocks and herds for whom there is now very little room in this Colony; and, secondly, the Somali immigrant has no more right to land than any immigrant, but has equal opportunities with others of obtaining lawful title to land.

Mr. COOKE: Arising out of that answer, is the hon. gentleman not aware, as I have explained to him in conversation, that the Somalis to whom I am referring are those who came to this country as soldiers in the Old Northern Frontier District Constabulary and King's African Rifles, people who are ex-Government servants?

Mr. MARCHANT: Government is aware of the fact, and special consideration is being given to those Somalis who can claim any particular privileges in respect of past service.

KISUMU WATER WORKS RENEWALS FUND

MR. TEJER: Your Excellency, I beg to move: Be it resolved that this Council approves of the withdrawal of the sum of £107-18-63 from the Kisumu Water Works Renewal Fund for the purpose of replacing the 21" main in the Mumias Road in the Nyanza Province with a 4" main.

This motion is rather unusual, because the usual way of obtaining money from the Renewals Fund is to pass a certain amount to revenue and ask the Standing Finance Committee to recommend expenditure of an equivalent amount from the Estimates, and by so doing the withdrawal from the Renewals Fund is then approved by the Legislative Council. In this particular case that procedure was overlooked and the money was spent direct from the Renewals Fund, and for that reason a resolution of Council is required, and I recommend that it should be given.

MR. BROWN seconded.

The question was put and carried.

UPLANDS BACON FACTORY (KENYA), LIMITED (CONSTITUTION) BILL

MAJOR CAVENDISH-BENTICK: Your Excellency, I beg to move that the Uplands Bacon Factory (Kenya), Limited (Constitution) Bill be read a second time.

In introducing the previous bill providing for the advancement and control of the pig industry yesterday I alluded to plans which were being formulated by producers to organize the pig industry before the war broke out, which plans included the acquisition of a suitable factory to be run on behalf of the producers themselves. On the outbreak of hostilities with Germany, and even before Italy entered the war, we could see that the demands on production for military purposes were going to increase rapidly, and therefore steps were taken to try and meet the situation. Among other measures, negotiations were opened with the British Colonial Provision Company for the acquisition of the Uplands Bacon Factory in order that it could be modernized and extended to meet the situation which we could see was going to occur.

When I was in London in 1940 on behalf of these territories I took part in opening those negotiations. The factory, together with certain contiguous farmlands, was eventually acquired by Government in July, 1941, and the purchase price which was originally agreed upon was £39,664. In order to finance this transaction, arrangements were made whereby Government agreed to guarantee an overdraft with a commercial bank to a limit of £25,000; the Kenya Co-operative Creameries and the Kenya Farmers' Association each lent £3,000; the Nyeri Pig Finishing Station lent £1,000, and a free grant was made from the Pig Control of £3,000. By this means a total of £35,000 was made available as the financial provision required for this factory. As I have already explained, the purchase price was £39,364, but portions of the farmlands that were not required for the factory itself were sold for £9,112. So that hon. members will see that sufficient money was made available by the means which I have outlined to purchase the factory and to cover initial overhead expenditure. It was agreed that the overdraft guaranteed by Government and the loans from the Kenya Co-operative Creameries, the Kenya Farmers' Association and the Pig Finishing Station should be repaid over a period from profits from the factory and by the imposition of a cess on producers, so that in due course the factory could become the property of the producers.

In the meantime a management committee was appointed to administer this undertaking on behalf of the industry, consisting of Government nominees, representatives of the Agricultural Production and Settlement Board and the Stockowners Association. This committee has continued to carry on the management of Uplands up to the present moment.

Since its purchase in 1941, the factory has been modernized and has been very greatly extended. The capital expenditure incurred on these extensions and improvements amounted since its acquisition up to December 31st last to £29,327. The value of stores held since the date of purchase has increased by the end of December last by £9,845. Depreciation amounting to £11,931 has been allowed for and written off. On 31st December

[Major Cavendish-Bentick]

last, after reducing the guaranteed overdraft utilized to a sum of £935, and after paying off the Nyeri Pig Finishing Station and reducing the amounts owing to the Kenya Farmers Association and the Kenya Co-operative Creameries by £1,000 each, the business stood at a balance sheet figure of £75,264. If due allowance is made for the £935 overdraft, which still is the overdraft at the bank, or was at that time, and the two outstanding amounts due to the Kenya Farmers Association and the Co-operative Creameries of £2,000 each, plus interest amounting to £100, it can be established that the business which cost in July, 1941, £30,552, after allowing for the sale of farm lands, was worth on 31st December, 1952, £70,209. I think it is an achievement, which reflects considerable credit on the management committee which has operated upon to now. (Hear, hear.)

In order to reach this position, capital was provided as planned (a) from profits made by the factory during the 3½ years' working, amounting to £42,299; and (b) from the proceeds of the producers' cess, which amounted to £11,210 during the same period—this was up to the end of last year. So it will be seen that the pig producers through the cess contributed roughly one-third of the capital and the remaining two-thirds has been provided from profits made by the factory during the past 3½ years. It might also be remarked that during the period of its operation as a Government concern this factory has paid neither income tax nor excess profits tax. I have said enough to show that the company is now a thoroughly solvent going concern, and thoroughly solvent to hand over that the time is opportune to hand over its operation to the producers of the country in order that the undertaking can be carried on for their benefit, as was originally intended.

As we have just passed a bill placing the effective control of pig production and marketing entirely in the hands of a statutory pig industry board, which will include the majority of elected representatives of the producers themselves, the intention of this bill is that the Uplands Factory should also be handed over to the Pig Industry Board. It is with the manner of that handing over and the nature of the security which is to be

given to the contributors to the pig cess that this bill is concerned. At the time of the imposition of the cess in August, 1941, the producers were informed that at a later date consideration would be given to some form of shareholding. If any, which might be accorded to producers in respect of their contributions to the cess for the purchase of this factory. It was agreed by the Pig Industry Committees that an issue should be made of some form of interest-bearing share and the choice seemed to lie between the interest-bearing certificates issued by and secured upon the assets of the Board, or preference shares, which are perhaps more readily understood, shares in a special company formed to operate the Uplands Factory on behalf of the industry. After some discussion it was agreed that the latter alternative should be selected. The control of the company will remain entirely in the hands of the board, since not only was the factory to be operated on behalf of the industry, that is to say the pig producers, at any particular time, but the factory would be for the board the main instrument of its policy and the channel through which exports would probably be organized.

A meeting was held recently, to which I referred yesterday, to discuss both this bill and the bill which we debated yesterday, and representatives of pig producers expressed the opinion that it would be far preferable that the factory should be operated by a limited liability company that it would have a defined constitution. This also would enable the company to issue to producers redeemable preference shares bearing a fixed rate of interest in respect of cess contributions, whether in the now or with necessary alterations in the future. The ordinary shares of the company will be held by the Pig Industry Board who accordingly will exercise complete control over the affairs of the company. It was therefore decided that as and when the Pig Industry Bill was introduced there should also be introduced this bill for the constitution of the Uplands Bacon Factory (Kenya), Ltd., and this is the bill with which I will now attempt to deal in some detail.

In addition to the bill there are the Memorandum on the articles of association to which I will refer. The first point

[Major Cavendish-Bentick] to which I would allude in the title of the bill, or rather the title of the factory, and it will be seen that the word "Kenya" has been inserted in brackets. It is really an addition to the existing title of the company. That was done because it was felt that the name "Kenya" should be associated with the products of this company which we hope will be a credit to this country. The first four or five paragraphs of the bill are a preamble explanatory of the position which led up to this bill, which I have dealt with in considerably greater detail. You will, however, see that in the fourth paragraph provision is made for a limited liability company to be formed with a capital of £40,000 to be divided into 39,950 redeemable preference shares at Sh. 20 each par value, and 1,000 ordinary shares of Sh. 1 each. That possibility requires some explanation. Dealing first with the redeemable preference shares, as I explained just now, the total amount of cess contributed up to 31st December was £24,910. As at 1st March that figure had risen to £27,910. By the 30th June next it was anticipated that the cess will have reached and surpassed the sum of £30,000. It will then be up to the board to decide on its future policy, but in the meantime we have provided for all cess payable by allowing £40,000 worth of preference shares. As regards the ordinary shares—1,000 at Sh. 1 each—it was done in that way to stress the fact that these shares are obviously purely of nominal value. We were advised that it was just as well to make that fact abundantly obvious in framing this bill.

Clauses 1 and 2 require, I think, no comment. There is probably going to be an addition to the interpretation clause which speaks for itself and which has been circulated, but I am not quite sure whether the Attorney General thinks that it is still necessary. Clause 3 creates a company. Sub-clauses 3 (1) and (2) I think require very little comment. The same applies to sub-clauses (3) and (4). As regards sub-clause (5), I would again point out that these preference shares are redeemable, although it is not stated so here.

We now come to clause 4, which deals with trusteeship of unascertained rights in respect of preference shares. The position is that quite a number of people who were pig producers during this

period have gone out of production. Actually, so far as our records go, out of 800-odd producers who existed in 1941 and 1942 and early 1943, 159 have recently gone out of production. In some cases it is difficult to find out exactly the whereabouts of these people. There is provision has been made so that such preference shares as cannot be located for the moment will be held in trust by the Pig Industry Board until they can discover who is entitled to them.

I would at this point make some mention of the shares owing to the Nyeri Pig Finishing Station in respect of pigs which were delivered to the Control and which originated from native sources. Those pigs were bought by the Pig Finishing Station on terms which I think the hon. Director of Veterinary Services will later explain were generous. They were in many cases not very grand pigs and they were purchased, I believe, on a basis of dead weight, which is fairly generous. They were finished off at the pig finishing station, and the people who produced those pigs were paid in full at the time. The proposal is that the shares owing in respect of such pigs will be handed over to the pig finishing station, and it is hoped that this money will go towards forming a native co-operative society for the benefit of the natives that supply that station.

Regarding clauses 5 and 6 I have no comments to make. Clause 7 provides for the transfer from the present board of management to the company. That is the main object of this bill. There is no further comment required until we come to clause 9, which provides that "any resolution passed by the Pig Industry Board while holding in its own right all the ordinary shares of the company in and respect of any matter touching the affairs of the company on which no other shareholder has for the time being any right to vote, shall, notwithstanding anything to the contrary contained in the Companies Ordinance, 1933, or the articles of association of the company be as valid and effectual for all purposes as if it was a special extraordinary or ordinary resolution of the company". In other words, it provides that where the board sitting as a board passes a resolution affecting the affairs of the company, that resolution will have the same weight as though it was a resolution passed by the

[Major Cavendish-Bentick] shareholders in a general meeting of the company. In the schedule, provision is made to make up broken amounts. Of course, the cess is calculated in cents, and the provision is therefore made that if the round sum of £1 cannot be reached the holder has the option of paying the difference and getting a share of receiving the difference. That deals with the bill itself.

Together with the bill, we have the memorandum of association, which is merely the ordinary type of memorandum giving great latitude to the company to take part in all sorts and kinds of activities. I do not think that it requires any discussion. The articles of association undoubtedly do. In the articles, paragraph 4 refers to share capital and shares, and provides that "the original share capital of the company is Sh. 800,000 divided into 39,950 redeemable preference shares of Sh. 20 each and 1,000 ordinary shares of one shilling each" which is in accordance with the bill and with the intention of the committee that drew the bill up. The articles then provide that the holders of preference shares "shall be entitled to a fixed cumulative preferential dividend at the rate of 5 per cent per annum on the nominal capital thereof". It has been suggested that 5 per cent is a pretty high rate of interest in respect of cumulative contributions over a lengthy period in view of the cess, more especially in view of the fact that people connected with the agriculture of this country are always asking for cheap money for agriculture and for subsidies towards such things as factories necessary to assist agriculture. The answer is this, that the persons who contributed towards this cess have in many cases paid cess since 1941, and from 1941 to 1945 they have not received any interest whatever on the payments they have made. This interest will only start from the date of the passing of this bill into law. Furthermore, these shares are redeemable at three months' notice. Therefore, a man only has a security, admittedly at 5 per cent, which can be redeemed at three months' notice, and in many cases no doubt will be redeemed. The committee therefore considered that if they took these two factors into consideration 5 per cent was not an unreasonable rate of interest.

Sub-paragraph (b) provides the normal thing, that surplus assets shall be applied in the first place to repaying the holders of preference shares, in the event of the company being wound up, the amount paid by them on those shares. (c) provides for the redemption of preference shares. The company may redeem all or any of them "at its option at any time by paying to the registered holders the par value thereof plus any arrears of dividend". They have to give three months' notice, and they first redeem the shares of persons who have ceased to be producers, and thereafter redeem by ballot as and when they can afford to do so or wish to do so the shares of producers. In addition to providing for redemption, provision is made for the transfer of those shares. The original intention was to try and keep the shares in the hands of the producers themselves. On page 2 of the articles, paragraph 7, there are lengthy provisions dealing with the transfer of shares. Roughly, what is provided for is that a producer can sell to another producer, or the producer can offer them to the board, who will take them over or endeavour to arrange a transfer, and only when that is not found possible can the producer sell to anybody at any price he can get. Normally, all preference shares will change hands at par value under the control of the board.

Paragraph 9 provides borrowing powers for the directors; and this may be commented upon, because people may say the directors can borrow or pledge the credit of the company without the knowledge of the Pig Board. This is the case, but as the directors are appointed by the board and the board have complete powers of doing what they like I do not think that that position is likely to give grounds for anxiety.

Those, I think, are the main points which have been discussed, and I do not think there is any other point that need be mentioned. There are 37 sections in the articles, but I do not think I need touch on any of the others.

MR. TROUBICHOFF: Sir, I beg to second. There is just one point in the speech of the hon. mover to which I would refer. It is perhaps appropriate that for the time so as the individual who, for the time being, holds the office of chairman of the Uplands Board. The hon. mover was

(Mr. Toughton)

good enough to pay tribute to the work of the Board, and on behalf of my colleagues on the Board I feel that we must largely disagree. The Board has been acquainted with the general policy followed by the industry here, so going on their credit for the very satisfactory results in which the lion's share is reflected in almost entirely due to the assistance of the factory. The Board has been fortunate in having a very remarkable team, Mr. Bicknell, as manager during the past few years when the factory has expanded. He has shown tremendous initiative, drive, and organizing ability, and the pig industry generally is under a very deep debt of gratitude to him. I think that would be an asset, for these, here.

Mr. BROWN: My Excellency, there is only one point for me to deal with, and that is to say, with Your Excellency's permission, that Government undertakes to build at least three preference classes that will be worked on the finishing station in respect of ease, and those classes will be handed over to an approved private enterprise entity which can be licensed so late over the industries in process carried on by that station (Here, here.)

The question was put and carried.

BILLS

In Committee

Mr. BROWN moved that Council read its Bill into committee of the whole Council to consider, clause by clause, the Local Government (Municipalities) (Amendment) Bill, the Central Roads and Traffic Board (Amendment) Bill, the Pig Industry Bill, and the Uplands Bacon Factory (Kenya) Limited (Constitution) Bill.

Mr. SPEAKER rose.

The question was put and carried.

Council went into committee.

Central Roads and Traffic Board (Amendment) Bill

Clause 3
Mr. BROWN moved that the clause be amended by the deletion of "111" after the words "A" in line 3 of clause 3, and the deletion of sub-clause (2) of the proposed section 4.

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Pig Industry Bill

Clause 3

Mr. BROWN moved that sub-clause (4) be deleted and the following substituted therefor: "(4) The members of the Board referred to in paragraph (4) of sub-clause (2) of this section shall hold office for a period of one year, and shall be eligible for re-election."

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Clause 11

Mr. BROWN moved that the word "Governor" be deleted wherever it occurs in sub-clauses (5) and (6) and the words "Committee in Council" substituted therefor.

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Clause 16

Mr. BROWN moved that the word "Governor" be deleted wherever it occurs in sub-clauses (1) and (2) and that "Committee in Council" be substituted therefor.

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Clause 17

Mr. BROWN moved that the word "Governor" appearing in lines 3 and 4 of sub-clause (1) be deleted and the words "Committee in Council" substituted therefor.

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Clause 19

Mr. BROWN moved that the following be inserted immediately after (a) of sub-clause (1): "(a) the remuneration of individual members of the Board as rates to be approved by the Governor", and that item (a) to (1) be re-lettered (1) to (m).

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Written Answers to Questions

No. 17—HOSPITAL COMMISSION REPORT MR. SHERWIN

What action does Government propose to take on the Hospital Commission's Report?

Reply:

The Hospital Fees Committee Report has been accepted in principle by the Government and a definite scheme is being prepared to give effect to the recommendations of the Committee. This scheme will be laid before the Legislative Council.

No. 21—PUBLIC TERMS OF SERVICE

MR. TOWNES

Will Government please state what are the results of a re-examination of the public terms of service and what action Government proposes to take?

Reply:

The time factor is referred to the Commissioner on the subject which was raised on the 11th of April.

No. 22—AREA WATER SCHEME

MR. FLETCHER

Will Government state the cost price per bag of wheat produced by the Ash River scheme? Will Government publish a statement showing in full the workings of the scheme?

Reply:

4,679 bags of wheat were grown in 1943 at the Ash River Water Scheme and 2,087 bags in 1944, a total of 6,766 bags. The costs of the scheme have been as follows:—

Capital Cost—

For 18 months ending:		
31-12-43	131,930.22	
31-12-44	24,855.92	
Total	Sh. 156,786.14	

Revenue Cost—

For period ending 31-12-43	155,318.48
1944	121,745.82
Total	Sh. 277,064.30

Clause 27

Mr. BROWN moved that the following be inserted after item (4): "(5) convening an annual conference of delegates of licensed pig producers, and prescribing the manner in which such delegates be elected", and that item (4) be re-lettered as (5).

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Uplands Bacon Factory (Kenya) Limited (Constitution) Bill

Clause 2

Mr. BROWN moved that the following definition be added immediately after the definition of "Pig Industry Board": "pig producer" means any person who breeds or feeds pigs for sale, and shall include the undertaking known as the Pig Finishing Station at Teyatei."

The question was put and carried.

The question of the adoption of the clause as amended was put and carried.

Mr. BROWN moved that the Local Government (Municipalities) (Amendment) Bill be reported without amendment, and the remaining three Bills with amendments.

Council assented.

The President reported accordingly.

TWO READINGS

Mr. BROWN moved that the Local Government (Municipalities) (Amendment) Bill, the Central Roads and Traffic Board (Amendment) Bill, the Pig Industry Bill, and the Uplands Bacon Factory (Kenya) Limited (Constitution) Bill be read the third time and passed.

Mr. DEANMAN seconded.

The question was put and carried.

VALEIDICTORY

MR. L. TESTER

THE PRESIDENT: It will be, I think, the Council's wish that I should thank the hon. Financial Secretary (Mr. Tester) who, in I understand, attending Legislature Council for the last time—for the valuable work he has done, and wish him all good luck for the future. (Applause.)

ADJOURNMENT

Council adjourned sine die.

It is not possible to give a cost per bag of wheat produced or a statement showing the cost of the scheme for the following reasons:—

- (a) The Government accounts are not operated on the lines of commercial accounts with provision for depreciation, etc., and
- (b) the area under crop has varied with each planting.

The scheme was unfortunate in 1944 in that the crop was largely destroyed by army worm, was replanted and no rain fell, and what was left of the crop was attacked by locusts shortly before harvest.

No. 32—BOREHOLES IN NATIVE LAND UNITS

MR. MATIU (Native Interests):

Will Government please state the number of boreholes which have been completed in the native land units during the last five years to supply good water for the Africans? As the water shortage in the Ritua and Ndeiya areas is very acute, will Government please take immediate action to provide water for these areas by water boring or by some other means?

Reply:

Eight boreholes have been sunk in the past five years in native land units, of which six have proved successful.

Regarding the second part of the question, the Government is fully aware of the requirements of the Ritua and Ndeiya areas, but no immediate action is possible in view of the shortage of machinery and equipment and the many high priority demands elsewhere.

No. 49—P.W.D. LABOUR GANGS ACRIDACOS BECHER:

(a) Is the P.W.D. responsible for the labour gang working on the Thika water supply and housed in the unwholesome camp close to the Chanja Falls?

(b) Is the hon. Director of Public Works satisfied that such uncomfortable, unhygienic, and insanitary "hovels" consisting of a few sheets of iron pipes, and which are supplied to P.W.D. labour gangs, are fit for human habitation?

(c) Will the hon. Director of Public Works arrange that, in future, the African labour gangs are supplied with

portable sectioned huts which will make it possible for them to live in a reasonable degree of comfort and decency, and that proper sanitary conveniences are supplied for them?

Reply:

(a) No. The Government is informed that the camp in question is that of a contractor.

(b) The Director of Public Works is not satisfied with the accommodation which funds at his disposal have allowed him to provide.

(c) The subject of improved accommodation for road gangs has been under consideration, and a series of permanent camps has been established on the Nairobi-Nakuru new alignments, which are a great improvement on the old forms of triangular corrugated iron huts or tents. Each unit is provided with a kitchen, ablution place, latrine and tool store. Similar quarters are to be erected on the Nairobi-Thika road and in the Kericho-Solk areas.

As regards portable sectioned huts, a sample has been constructed and a committee is now examining what improvements can be made before it comes into general use. When the sample is approved it is proposed to arrange for the erection of movable huts as funds and materials permit.

No. 51—OVERSEAS PURCHASING DIVISION

MR. VINCENT:

(a) What separate charges for administrative costs and profits does Government add to the costs of goods imported by the Overseas Purchasing Division? (b) What is the total cost of staff, offices and equipment incurred by the Overseas Purchasing Division up to this date? (c) What is the total revenue, including administrative charges, and profits collected by the Overseas Purchasing Division at this date?

Reply:

(a) (i) The present administrative costs added to c.i.f. values of Overseas Purchasing Division inter-territorial importations are as follows:—

- (1) Cotton piece goods: $\frac{1}{2}$ per cent.
- (2) Capital goods of £500 and over: $\frac{1}{2}$ per cent.

(3) Capital goods under £500 in value: 1 per cent.

(4) Consumable goods other than in (c) below: 1 per cent.

(5) (i) Iron and steel goods, hand tools, etc., distributed through the Overseas Purchasing Division store: 2 per cent.

(ii) When these types of goods are distributed by a merchant house on behalf of the Overseas Purchasing Division the Division administrative charge is $\frac{1}{2}$ per cent.

(6) Consumable goods handled for Military, Government Department stores and the Railway Administration, the administrative charge according to whether distributed by ship or through the Overseas Purchasing Division store is $\frac{1}{2}$ per cent to 1 per cent.

(ii) Government does not add a profit either to bulk indent or individual indent procurements, but merely adds a charge estimated to cover the costs of administration.

(b) The total cost of the staff offices and equipment and stores up to the end of March, 1945, amounted to approximately £26,000.

(c) The total receipts amounts to some £31 million (including a Kenya Government account in respect of non-Government medical supplies) which includes £45,552 received in respect of administrative costs as set out in (c) above.

No. 53—LABOUR UNREST, MOMBASA ACRIDACOS BECHER:

(a) Will Government please indicate why no African was appointed to the ad hoc committee recently appointed to inquire into the general question of labour unrest in Mombasa? (b) In view of the fact that conditions are such in Mombasa that there is little chance of the work of that committee meeting with success and its findings being acceptable to the African community without there being at least one responsible African on that committee, will Government please make an early appointment of at least one such African, if possible suspending the activities of the committee until the appointment has been made? (c) Will

Government please endeavour to secure that there is one or more responsible Africans on inquiry committees or commissions of inquiry?

Reply:

(a) The committee referred to by the hon. and ven. Member for Native Interests was appointed by the Labour Commissioner to report to him on the causes of the present labour unrest in Mombasa, and in particular in order that he might be in a position to endeavour to promote a settlement on certain questions arising between the Railway Administration and its employees. The committee was selected without regard to race, from persons well qualified to take an impartial view of the situation. The Government is satisfied that the committee will have due regard to the interests of the parties concerned.

(b) The Government is not prepared to agree that the race of the members of the committee is likely to affect the acceptability or otherwise of the committee's report, and is not prepared to instruct the Labour Commissioner to alter the personnel of the committee, which has already started work.

(c) The Government will appoint Africans to committees and commissions of inquiry when in its view suitable persons are available and when the circumstances make such appointments desirable.

No. 55—EUROPEAN PRIMARY EDUCATION

MR. NICOL (Mombasa):

Will Government inform Council if there is a syllabus for all European Government primary schools in Kenya? If the answer is in the affirmative, will Government inform Council (a) the date of issue of such syllabus, (b) will a copy of such syllabus be made available to the public, (c) does every head teacher adhere to such syllabus, (d) is this syllabus also in use in private schools which send children to the Prince of Wales School, (e) does this syllabus proceed from standard to standard, class to class, and/or form to form?

Reply:

(a) and (b) and (c). On the assumption that the hon. member's question refers to a printed syllabus, the answer to these

parts of the question is in the negative, but each school has its own syllabus based on the old printed syllabus with such modifications as have already been approved. The work of preparing a new syllabus to meet modern educational requirements has been in hand for some time, but the many other preoccupations of the permanent staff, both in the schools and at Headquarters, have delayed its completion. When the syllabus is printed, copies will be available for purchase by the public, if there are sufficient supplies of paper.

The answer to (f) is that private schools work to a syllabus approved by an Inspector of Schools.

The answer to (g) is yes.

No. 36—EDUCATIONAL STANDARDS

MR. NICOL:

(a) Does the Director of Education agree that the standard demanded of Indian children in 1944 was higher than that demanded of European children in the parallel Kenya Preliminary Examination? Will Government inform Council as to whether these examination results show that the standard of Indian children actually was higher than that of European children? Similarly, will Government answer the same question as regards the Kenya High School for Girls? (b) Will Government inform Council if they are prepared to abolish the Kenya preliminary examination and accept the head teachers' report on the standard of the child for entry to Government Secondary Schools?

Reply:

(a) The hon. member appears to be unaware that the Kenya Indian Preliminary Examination is taken one school year later than the corresponding examination in European schools. The first part of the question does not therefore arise.

(b) Government proposes to abolish the Kenya Preliminary Examination and base admission to secondary schools on age and on reports from the head teachers of primary schools as soon as—

(i) adequate accommodation can be provided in secondary schools to meet the needs of the diverse types of children of secondary school age; and

(ii) the restoration of normal recruiting facilities enables a reasonable degree of permanency to be achieved in the staffs of the primary schools, thus facilitating the completion of adequate records of the capabilities of individual children.

No. 37—SCHOOL EXAMINATIONS

MR. NICOL:

In view of the recent reply to Mombasa parents (paragraph 5 of Director of Education's letter ref. AI26/353), will Government explain why Indian children's examination papers are anonymous and European children are required to put their names to examination papers?

Reply:

It is assumed that the hon. member refers to the Kenya Preliminary Examination and the Kenya Indian Preliminary Examination. In both these examinations all candidates are allotted, and are required to use, index numbers. European children are not required to write their names on the answer papers, but it has been observed that in certain schools children have been permitted in error to write their names as well as their index numbers. Instructions will be sent to all schools concerned that in future examinations, candidates' names must not be written on examination papers.

No. 38—EXAMINATION RESULTS

MR. NICOL:

(a) Will Government inform Council what arrangements have been made to expedite the arrival in England and marking of school certificate and matriculation papers? (b) Will Government inform Council whether they are prepared to arrange for a second opportunity of sitting for the school certificates and matriculation examination within six months of the first failure?

Reply:

The hon. member is no doubt aware that shipping movements are the concern of His Majesty's Government in the United Kingdom. The examinations to which the hon. member refers are conducted by examining bodies who are responsible for holding these examina-

tions throughout the British Commonwealth and in certain foreign countries. These bodies have always afforded to the Education Department in Kenya the most willing co-operation and the most expeditious service that have been possible in the trying conditions to which the United Kingdom has been subjected during the past few years. The Government is not prepared to attempt to dictate to these bodies the measure of priority to be given to the correction of answer papers received by them from the countries already mentioned.

(b) The Cambridge Local Examinations Syndicate decided shortly after the outbreak of the war that it could not arrange for overseas examinations on more than one occasion each year, and Government agrees that, in existing circumstances, this was, and remains, a reasonable decision.

The London Matriculation Examination is held twice a year, in January and July. As, however, it is necessary to collect and to transmit details of entries some considerable time before the date of the particular examination, it is not possible at present to make the arrangements suggested by the hon. member.

No. 39—IMPORTED COTTON PIECE GOODS

MAJOR JOYE:

With regard to the allocation of imported cotton piece goods, will Government state what steps, if any, are taken to ensure that African retailers get a fair proportion of these goods?

Reply:

The question of the allocation of imported cotton piece goods to African retail shops in under examination by the Imports Controller, in consultation with members of the commercial community and other Government officers concerned. One of the chief difficulties in ensuring the equitable distribution is the fact that many hundred African shopkeepers concerned are not organized into any body or bodies which can deal with the Imports Controller and with wholesalers on behalf of individual traders. Arrangements are being made, as an experiment, in Kiambu District to induce the traders in each trade to select one of their number to act as accredited representative of them all in negotiations with the Imports Controller and with whole-

salers. It is hoped that these arrangements will greatly facilitate distribution and, if the experiment proves successful in Kiambu, it will be extended to other districts.

No. 60—SCHOOL BUILDINGS

MRS. WATKINS:

Will the hon. Director of Education state (a) what progress has been made regarding the planning of the new Kenya High School and the Primary Boarding School at Nyeri; (b) when funds will be provided for the erection of the necessary buildings; (c) whether the continued delay in making provision for these schools is due to any disinclination on his part to accept simple standards of building?

Reply:

(a) Preliminary investigations will be carried out by the Government Architect in connexion with the planning of the proposed new Kenya High School and new Primary Boarding School at Nyeri as soon as he has completed works of even priority; the necessary funds for these investigations have been provided in the Estimates for 1945.

(b) The question of the provision of further funds will be considered when the investigational work has been carried out. The Government concurs in the view of the Standing Finance Committee that the very large sums, which will be involved, if these two schools are to be constructed, would form a proper charge against loan funds.

(c) There is no disinclination on the part of the Education Department to accept simple standards of building. Simple forms of construction are to be preferred, provided they are consistent both with the essential minimum requirements in respect of boarding and tuition accommodation and with the safety of the children.

No. 62—POST-WAR TRAINING OF ASIANS

MR. PANDYA:

Will Government be pleased to provide training facilities for Asian personnel serving in the armed forces, either enlisted, or civilians or civilians working for the Army, Navy, or Air Force units, on demobilization or discharge to fit them for absorption in civil occupations?

Reply:

A pamphlet entitled "Education, Vocational Training and Employment of Ex-Servicemen and Women" was laid on the table of this Council on 9th January, 1945. This pamphlet is applicable to locally domiciled Europeans, Asians and Africans discharged from the Armed Forces, or released from work of national importance, and indicates the basic principles on which training is being planned. As regards detail, this Government has entered into an arrangement with the Government of Tanganyika regarding agricultural training for Asian ex-servicemen and this arrangement was mentioned by the Economic and Development Secretary on 3rd March, 1945, during the debate on demobilization plans.

A questionnaire on the subject of employment and training has been circulated on behalf of this Government by the Military Authorities to Asians serving with the Forces, and from the replies received only 29 Asians seek training. Particulars are as follows: 5 agriculture, 10 clerical work, 4 survey, 5 mechanics, 1 law, 2 accountancy, 1 business, 1 not specified.

Of these it appears that the majority were already practising their particular trade before enlisting and continued the same form of employment in the Army. It is therefore considered unnecessary to make any special provision for the further training of Asians, but each case will be considered on its individual merits when application is made.

No. 62—ASIAN CIVIL REABSORPTION OFFICER

Mr. PANDYA:

Will Government be pleased to appoint an Asian Civil Reabsorption Officer to deal with the discharged, enlisted, "enrolled and civilian employees under reserved occupations?"

Reply:

In so far as the demobilization and reabsorption of Asians is concerned, Asian interests are safeguarded through the co-opted Asian members on the Civil Reabsorption Board, and by the appointment in April of Mr. Kirpal Singh as Asian Civil Dispersal Officer. As regards civilian employees under the Reserved Occupations Regulations, Asian interests are safeguarded through the Deputy Director of Man Power (Indian) and the Director of Occupations Advisory Committee, which has an Indian member. The closest co-ordination between man power and reabsorption is maintained through the appointment of an officer who combines the duties of Director of Man Power and Civil Reabsorption Officer for all races.

No. 64—NATURALIZATION

MAJOR JOYCE:

With reference to Government's answer to my question No. 23, will Government, when publishing the names of stateless aliens who have been naturalized, state their country of origin?

Reply:

The answer is in the affirmative.

Index to the Legislative Council Debates

OFFICIAL REPORT

VOLUME XXI—PART II

SECOND SERIES

Second Session: 1st to 3rd May

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time=1R, 2R, 3R;
Com.=In Committee; SC.=Referred to Select Committee; SCR.=Select Committee Report; Re.CL.=Re-committed to Council.

Administration of Oath—1

Attorney General, Acting—

See Brown, Mr. T. A.—

Becher, Ven. Arch. L. J.—

Aerial surveys, 13

African out-patients, 8

African provident fund, 14, 15

African soldiers' gratuities, 16, 17

Development plans, 13

Kenya Police, 12

Labour unrest, Mombasa, 77

Pig Industry Bill, 52

Public Works Department, labour

gangs, 75

Bills—

Central Roads and Traffic Board

(Amendment), 1R 11, 2R 38, Com.

71, 3R 73

Local Government (Municipalities)

(Amendment), 1R 11, 2R 34, Com.

71, 3R 73

Pig Industry, 1R 11, 2R 38, Com. 71,

3R 73

Uplands Bacon Factory (Kenya),

Limited (Constitution), 1R 11, 2R

63, Com. 71, 3R 73

Boover, Mr. W. A. C.—

Boarding fees, 16.

Education fees and income tax, 11

Pig Industry Bill, 50

Brown, Mr. T. A.—

Kenya Police, 12

Cavendish-Bentinck, Major F. W.—

Pig Industry Bill, 38, 59

Uplands Bacon Factory Bill, 63

Chief Native Commissioner—

See Marchant, Mr. W. S.

Chief Secretary, Acting—

See Surridge, Mr. E. R. E.

Commissioner of Lands and Settlement—

See Mortimer, Mr. C. E.

Communication from the Chair—1

Cooke, Mr. S. V.—

Left-hand drives, 9

Northern Somalis, 61, 62

Rental and sleeping accommodation

regulations, 15

Secretariat waiting room, 9

Coudry, Mr. F. J.—

Hydro-electric development, 18, 33, 34

Daubner, Mr. R.—

Pig Industry Bill, 55

Director of Education—

See Foster, Mr. R. S.

Director of Medical Services, Acting—

See Lockhart, Dr. F. R.

Director of Public Works, Acting—

See Walmsey, Mr. C. H.

Financial Secretary—

See Tester, Mr. L.

Foster, Mr. R. S.—

African education, 7

Boarding fees, 16

Educational expenditure, 6

Governor—

See Mitchell, Sir P. E.

Joyce, Major F. H. de V.—

Imported cotton piece goods, 81

Hydro-electric development, 33

Naturalization, 84

Keyser, Major A. G.—

Conscripted labour, 8

Lockhart, Dr. F. R.—
African medical officers, 7
African out patients, 8

Marchant, Mr. W. S.—
African provident fund, 15
Bul' Bul settlement, 6
Conscripted labour, 8
Northern Somalis, 61, 62
Rental and sleeping accommodation regulations, 15

Mathu, Mr. E.—
African education, 7
African medical officers, 7
Boreholes in native land units, 75
Hydro-electric development, 32

Mitchell, Sir P. E.—
South African Air Transport Conference, 2
V-Day arrangements, 4

Mortimer, Mr. C. E.—
Aerial surveys, 6
Cemeteries and crematoria, 11
Central Roads and Traffic Board—
(Amendment) Bill, 38
Local Government (Municipalities)
(Amendment) Bill, 34

Motlana—
Hydro-electric development, 18
Kisumu Water Works Renewal Fund,
62
Pensions, 17
Schedule of Additional Provision, 17

Nikol, Mr. W. G.—
Education standards, 79
European primary education, 78
Examination results, 80
School examinations, 80

Pandy, Mr. R. B.—
Asian Civil Reabsorption Officer, 84
Aith wheat scheme, 74
Post-war training of Asians, 82

Papers Laid—5

Faroo, Mr. K. R.—
Education expenditure, 6

Presentation of Insignia—1

Presidency of Council—62

Pritain, Mr. A.—
Cemeteries and crematoria, 11
Census, 9
Hawkers' licences, 10
War bonus, 14

Questions, Oral answers to—
No. 80 (1944)—Northern Somalis, 61
No. 16—Bul Bul settlement, 5
No. 28—Aerial surveys, 6
No. 29—Educational expenditure, 6
No. 30—African education, 7
No. 31—African medical officers, 7
No. 33—Conscripted labour, 8
No. 34—Kenya Police, 12
No. 35—Development plans, 13
No. 36—African out patients, 83
No. 37—Left-hand drives, 9
No. 38—Secretariat waiting room, 9
No. 40—Census, 9
No. 41—War bonus, 14
No. 42—Hawkers' licences, 10
No. 43—Cemeteries and crematoria, 11
No. 44—African provident fund, 14
No. 46—Rental and sleeping accommodation regulations, 15
No. 47—Education fees and income tax, 16
No. 48—Boarding fees, 16
No. 52—African soldiers' gratuities, 16

Questions, Written answers to—
No. 17—Hospital Committee report, 74
No. 21—Police terms of service, 74
No. 22—Aith wheat scheme, 74
No. 32 Boreholes in native land units,
75
No. 49—Public Works Department
labour gangs, 75
No. 51—Overseas Purchasing Division,
76
No. 53—Labour unrest, Mombasa, 77
No. 55—European primary education,
78
No. 56—Educational standards, 79
No. 57—School examinations, 80
No. 58—Examination results, 80
No. 59—Imported cotton piece goods,
81
No. 60—School buildings, 82
No. 62—Post-war training of Asians,
82
No. 63—Asian Civil Reabsorption
Officer, 84
No. 64—Naturalization, 84

Ganward-Deen, Mr.—
Hydro-electric development, 29

Sandige, Mr. E. R. E.—
African soldiers' gratuities, 16, 17
Presidency of Council, 62
Secretariat waiting room, 9
Schedule of Additional Provision, 17

Tester, Mr. L.—
Education fees and income tax, 11
Kisumu water works renewal fund, 63
Pensions, 17
War bonus, 14

Trench, Mr. W. O.—
Pig Industry Bill, 52
Police terms of service, 74

Troughton, Mr. J. F. G.—
Census, 9

Development plans, 13
Hawkers' licences, 10
Hydro-electric development, 30
Uplands Bacon Factory Bill, 70

Valedictory—
Mr. L. Tester, 73

Vincent, Mr. A.—
Bul Bul settlement, 5
Hospital Committee report, 74
Hydro-electric development, 27
Overseas Purchasing Division, 76
Pig Industry Bill, 54

Walsley, Mr. C. H.—
Left-hand drives, 9

Watkins, Mrs. O. F.—
Pig Industry Bill, 53
School buildings, 82

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END